



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ridgecrest Field Office
300 South Richmond Road
Ridgecrest, CA 93555-4436



IN REPLY REFER TO:
3809 (P)
CACA-42806

J. Gum

DEC 23 2002

C.R. Briggs Corporation
ATTN: Mr. Paul L. Blair, General Manager
P.O. Box 668
Trona, CA 93592

RE: Cecil R - Jackson Decision Record and Finding of No
Significant Impact - FONSI

Dear Mr. Blair:

The Cecil R - Jackson Exploration Plan has been approved in accordance with the Decision Record and Finding of No Significant Impact, attached. Please note that the BLM's proposed mitigation measures found beginning at page 5 and continuing through page 8 of the FONSI are incorporated by reference as conditions of approval for this exploration plan.

Also, please note that with this approval a 30 day appeal period is initiated. By regulation the appeal period actually begins the date of receipt of the decision record and FONSI by the interested party. In all likelihood that will mean the appeal period will actually begin on or about December 30 and continue through the month of January 2003. This decision record and FONSI are final and are in full force and effect.

Thank you for your patience and perseverance as we have worked through this project's application and approval. We look forward to working closely with Briggs throughout this project.

Should you have any questions concerning this matter, please contact either Randy Porter at 760-384-5452, Randy.Porter@ca.blm.gov, or Linn Gum at 760-384-5450, jgum@ca.blm.gov.

Sincerely,

/s/ Joseph L. Gum ACTING

Hector A. Villalobos
Field Manager

Attachment:

1. Decision Record and FONSI (97 pp)



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December 23, 2002

IN REPLY REFER TO:

3809(P)

CACA-42806

RE: Cecil R - Jackson Decision Record and Finding of No Significant Impact - FONSI

Dear Interested Party:

On October 9, 2002, the Ridgecrest Field Office of the Bureau of Land Management (BLM) released a revised environmental assessment (EA) describing the potential environmental affects of the proposed Cecil R- Jackson mineral exploration project in the Panamint Mountains. Public comments were received until November 8, 2002.

The BLM received comments in 32 different letters from public and private interested parties regarding the revised EA. Together those comments comprised 55 distinguishable areas of concern. After reviewing the comments and responding to them, the BLM has determined that no significant impact will occur to the environment as a result of these activities. To ensure that no unnecessary or undue degradation to the environment occurs, and that public health and safety, and resource values are protected, the BLM has developed 22 mitigation measures that will be included as conditions of approval for the proposed exploration activity. Copies of the revised EA, the Decision Record and FONSI and responses to comments can be found on-line at the Ridgecrest Field Office's website address <http://www.ca.blm.gov/ridgecrest>.

This decision record and Finding of No Significant Impact (FONSI) are final, and are in full force and effect. They document the decision of the Ridgecrest Field Manager under the Surface Management regulations found at 43 CFR 3809. Any party adversely affected by this decision has a right to appeal to the State Director for review, and to the office of Hearings and Appeals per Part 4, Title 43 Code of Federal Regulations. Any party wishing to appeal must file a written statement in this office (the Ridgecrest Field Office) within 30 days of receipt of this decision. A request for a stay of decision (43 CFR 4.21) may accompany the appeal. Such a notice of appeal must identify the case involved (case # CACA-42806), state the reason for the appeal, and why or how the BLM's decision is in error.

Thank you for your interest in the management of public lands within the California Desert District.

**Decision Record and
Finding of No Significant Impact – FONSI (40cfr 1508.13)**

Summary

CR Briggs Corporation has submitted an application for exploration drilling on BLM administered lands in the Panamint Mountains. CR Briggs Corporation is the operator of the Briggs Mine, approximately 8 miles south of Ballarat, and 3 miles south of the proposed exploration. The company is seeking permission to explore for additional minerals by constructing roads and drilling exploration drill holes on unpatented mining claims in hopes of finding additional ore and prolonging the life of the Briggs Mine.

Before CR Briggs can conduct the exploration, they must first obtain BLM approval for their Plan of Operations. The Plan of Operations was submitted to BLM on January 16, 2001. Before approving or disapproving the Plan of Operations, the BLM must first comply with the National Environmental Policy Act (NEPA) and its regulations which require among other things: (1) an analysis of the environmental consequences of the proposal, (2) public disclosure of the analysis, and (3) opportunity for public comment. The BLM has analyzed the environmental effects of the action in an Environmental Assessment (EA) as defined in 40 CFR 1508.9. The EA was first circulated for public review and comment beginning June 10, 2002 and ending August 10, 2002. The BLM subsequently revised the EA and circulated the revised document for public review and comment beginning October 9, 2002 and ending November 8, 2002. After having reviewed all public comments the BLM prepared this Decision Record and Finding of No Significant Impact (FONSI) and will approve the project.

This decision record and Finding of No Significant Impact (FONSI) are final. They document the decision of the Ridgecrest Field Manager under the Surface Management regulations at 43 CFR 3809. Any party adversely affected by these decisions has a right to appeal to the State Director for review, and to the Office of Hearings and Appeals per Part 4, Title 43 of the Code of Federal Regulations. Any party wishing to file an appeal must file a written statement in this office (the Ridgecrest Field Office) within 30 days of receipt of this decision. A request for a stay of the decision (43 CFR 4.21) may accompany the appeal. Such a notice of appeal must identify the case involved (case # CACA-42806), state the reason for the appeal, and why or how the BLM's decision is in error.

Public Involvement

BLM issued a notice on May 1, 2001 to persons known to the BLM to be potentially interested in the drilling activity. The notice was sent to 135 persons and organizations. In response, BLM received four letters and five verbal requests for the EA.

Notice of availability of the EA was published in the Ridgecrest and Independence newspapers concurrent with release of the EA on June 10, 2002. The comment period was set to expire on July 24, 2002. In response to several requests for more time, the BLM extended the comment period to August 10, 2002, an additional 17 days.

The BLM received numerous letters requesting additional alternative analysis. Because of these letters, the BLM reconsidered and revised the EA to include a second action alternative. The

Revised EA was issued on October 9, 2002 for a 30 day public comment period that closed on November 8, 2002.

The revised EA is available to the public at the BLM Ridgecrest Resource Area office at 300 S. Richmond Rd. Ridgecrest, CA 93555, or by calling Mr. Randy Porter at (760) 384-5452. It is also available at the BLM website at www.ca.blm.gov/ridgecrest/.

Public comments were received on the revised EA. Those comments are responded to below.

Introduction

The subject lands are located in the Panamint Range, Inyo County California and are within the California Desert Conservation Area (CDCA). The CDCA Plan (1980) as amended, is the land use plan that governs public land management in the California desert. Land use classifications determine access to and use of the resources of the public lands. In 1994, Congress passed the California Desert Protection Act that affected land use designations in the Panamint Range. The subject lands were specifically excluded from wilderness designation and returned to Multiple-Use Class L management.

Class L land management goals are defined in the CDCA Plan as, "Protecting sensitive, natural, scenic, ecological, and cultural resource values. Management is to provide for low-intensity, carefully controlled multiple use of the resources, while ensuring that sensitive values are not significantly diminished"

In July 1995, the BLM and Inyo County issued a joint Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) for the Briggs Gold Mine (July 1995) located approximately 3 miles south of the subject lands. The EIS/EIR addressed the impacts of the mining operation and discussed the potential for future mineral exploration and development activities on the resources of the mountain range. On July 10, 1995, the BLM approved CR Briggs' Plan of Operation for a gold mining operation on public lands in the southern Panamint Valley. On January 11, 2000, the BLM approved the Briggs Mine Pit Expansion that allowed mining of the Briggs North and Gold Tooth pits, within the original Briggs Mine permit area. In its efforts to continue to operate and develop the available mineral resources of the area, CR Briggs is proposing to conduct an exploration program north of the current mine site.

The subject mineral exploration proposal includes road building and drilling activities. A maximum of 100 acres of surface disturbance has been proposed. Activities are to be conducted within an area of approximately 3000 acres, north of the current Briggs mining operation. The main drilling areas are referred to as the Cecil R and Jackson targets. Other targets within the 3000 acre project area could also be drilled so long as the total disturbance does not exceed the 100 acres analyzed in the EA. Drilling and road building activities will be periodically monitored to determine if they fit within the parameters and mitigations of the Environmental Assessment. Activities outside the scope of this document will require a new environmental analysis. After exploration is completed, field compliance, monitoring and reclamation will follow.

The nature of surface disturbance and environmental impacts associated with these exploration projects is well defined from past experience. Exploration is a dynamic process that requires schedule flexibility and adjustments to operating plans. Exploration usually occurs in phases based on information obtained from prior drilling. Subsurface geology and assay results derived from one drill site provide information relevant to deciding the type and location of the subsequent drill holes. It is difficult to estimate the exact location of the proposed surface disturbance during the planning stage of an exploration program. However, it is possible to estimate the maximum anticipated impacts within an area given a set of operational parameters.

The BLM is required by the National Environmental Policy Act of 1969 (NEPA) to review the environmental impacts of the proposal through the preparation of an environmental analysis; in this case the document is an Environmental Assessment (EA). The purpose of this is to comply with NEPA and to determine the impacts on the resources of the public lands as a result of the surface disturbance activities and quantify these impacts so that BLM resource specialists can adequately monitor these activities in the field and determine the appropriate level of surface management on the land.

Proposed Action

CR Briggs is proposing to conduct exploration drilling to investigate the potential for mineral resource development (potential gold-bearing targets). Based on previous geological work, two primary target areas and some secondary target areas have been identified north of the Briggs Mine. These target areas occur within the 3000 acre block of claims that are the subject of analysis in the EA. The maximum proposed surface disturbance within the 3000 acre claim area is 100 acres.

Access

Movement of equipment, personnel, and supplies to the operational areas will be along existing access roads. Traffic will leave the paved highway at a point approximately 18 miles north of Trona and turn eastward onto the Ballarat road. From the turn-off the access is via improved dirt road that crosses a 3.5 mile stretch of alluvial fan and playa before reaching the settlement of Ballarat, a largely abandoned historic mining camp. From Ballarat, the route turns south on Wingate Road. Access to the Cecil R area is gained by turning east off of Wingate road at an existing road approximately 2 miles south of Ballarat. Access to other targets will be via several washes and South Park Canyon Road.

Road Construction

Road construction will be by one of two techniques. On lower alluvial fan areas and other flatter areas, construction will be minimal to non-existent, with drilling and support equipment traveling over the desert pavement without the need for earth moving, or with minimal work to remove obstacles. Higher on the alluvial fans, and in the steeper areas of the range, road construction will be completed by tracked excavation equipment such as CAT D-9s. All roads will have a travel surface approximately 12-14 foot wide. Roads will be widened in the event an angle hole is required. It is anticipated that no more than 10% of drill holes will require drill road widening.

Minimal blasting will be required during some road construction. It will be limited to specific areas where alternate routes could result in excessive environmental disturbance. When

required, blasting will be conducted by qualified personnel trained to set explosive charges resulting in the least amount of environmental impact as well as highest attention to safety considerations. It is expected that blasting will be required on a maximum of about one percent of the total proposed 100 acres of disturbance.

Drilling

Drilling equipment may be truck-mounted, skid-mounted, track-mounted or rubber-tired buggy mounted depending on availability. Drill sites are simply portions of the drill roads that are slightly wider than other portions of the road. Rubber-tired buggy mounted rigs will be used in areas of minimal impact road construction. These rigs have large, high flotation tires that allow them to travel over irregular surfaces without the need for road building.

Drill holes will vary in depth from 200 ft to over 1,000 ft and will be 2 to 12 inches in diameter, with most holes in the 4-8 inch diameter range. Drilling will be by either core or reverse circulation methods.

The exploration will continue until the amount of the permitted acreage is exhausted. Any water needed for drilling will come only from the Briggs Mine wells. Portable tanks for drilling fluids will be used for any core holes, thus there will be no discharge of drilling fluids on the surface. Existing access roads and trails will be utilized, to the extent practicable, to minimize surface disturbance.

Personnel

Exploration will be performed utilizing existing company personnel and licensed contractors. Total number anticipated is 10 to 15 personnel.

Environmental Protection Measures

As part of the Proposed Action, specific actions will be taken and environmental protection measures will be adhered to by CR Briggs to avoid unnecessary and undue degradation of the public lands. These steps will eliminate or greatly reduce the need for future mitigation, and are targeted to avoid impacts before they occur. They are listed as follows.

1. Whenever practicable, minimal impact roads will be used.
2. Drilling will be conducted on the roads. No widening of roads or drill pad construction will be required for the majority (estimated at 90 percent) of the set-ups. Drill pads will be needed for angle holes or diamond core drilling set ups.
3. Blasting will occur only when other alternatives have been considered and eliminated as unfeasible. Only the minimum amount of charge will be used to minimize the size of the blast and to reduce the volume of rock sidecast into drainages.
4. All solid wastes and hazardous substances will be removed from the project area and disposed in an approved manner.

Reclamation

The objectives of reclamation will be to provide for a post-disturbance surface condition that will be consistent with the long term land uses identified in the CDCA for Class L lands. The long term land uses are expected to be wildlife habitat and dispersed recreation. The Proposed Action provides environmental protection measures that incorporate minimizing surface disturbance and locating disturbance in areas designed to assist construction and revegetation practices in meeting reclamation requirements. In areas where drilling results are not favorable, and it is not anticipated that the disturbance will be in an area of future activity, reclamation will occur in late summer or early fall of each drilling season after road use is complete. Reclamation activities will be consistent with the Federal requirements of (43 CFR 3809.1-3(d)). Activities will include the following:

Drill Hole Plugging: Drill holes will be abandoned and plugged in accordance with the BLM Solid Minerals Reclamation Handbook. If drilling encounters high pressure (artesian) surface flow, water will be channeled into the nearest drainage. The drill hole will be plugged with cement meeting API specifications, or alternatively, bentonite could be used if the flow of water can be contained. Holes which encounter static water will be filled with drilling fluid (bentonite mud) and capped with a three foot cement plug. Dry holes will be capped with a three foot cement surface plug. Plugging of drill holes will be done within 60 days of completing the drill hole except for artesian holes which will be plugged immediately. Drill holes not plugged immediately shall be covered with a temporary plug to prevent injury or death to wildlife. These procedures comply with requirements in the BLM Solid Minerals Reclamation Handbook.

Regrading: Roads with no further use will be regraded. Regrading of the road surfaces will be necessary where cut-and-fill construction was done or where roadside berms build up due to road construction or maintenance. The goal of the regrading will be to reshape the disturbed area so as to blend with the natural contours and return drainage patterns.

All final regraded surfaces will be left in a rough condition consisting of numerous small pits, humps and ridges. Topsoil will be spread onto these surfaces, arranged to leave the finished surface covered with many small gouges and furrows. All of these small features will be purposely constructed to create many small microslopes and depressions with numerous aspects on the larger regraded slopes. This micro-topography will enhance rainfall retention, provide for numerous microclimates to help establish colonies of plants, and encourage repopulation of the reclaimed areas by small mammals and reptiles

Regrading will also include relieving compaction on minimal impact roads, if needed.

Revegetation: All regraded areas, except minimal impact roads receiving only compaction relief, will be revegetated. The seed mix will be specified by the BLM. Seeding will occur before the onset of winter rains to maximize the prospects for success.

BLM Proposed Mitigation Measures

The following mitigation measures will become conditions of approval of the Cecil R – Jackson Exploration Plan of Operations upon BLM approval of the Plan of Operations.

1. Solid waste including oil, grease, and plastic containers will be legally disposed offsite. All drill sites will be free of trash and litter during and upon completion of drilling.

2. Drill cuttings will not be discarded in drainages but will be repacked into the drill hole or contoured into the drill road around the drill site.

3. Topsoil will be stockpiled at the edge/berm/toe of roads or at the switch-back of all newly constructed drill and access roads. Topsoil stockpiles will be treated as soon as they are stripped to reduce erosion. On steep slopes where substantial cut-and-fill will be needed, the available topsoil materials will be salvaged. Topsoil will be stored adjacent to the newly constructed exploration roads or drill pads. However, in some areas topsoil may be transported to stockpiles, which will be stabilized by interim seeding measures against wind and water erosion. In some locations, the presence of rocky areas or rock outcrops will prevent the removal of topsoil. On ridge tops and flatter slopes where cut-and-fill volumes will be minimal or nonexistent, topsoil will not be removed from the road surface.

Upon road or pad closure, the topsoil will be replaced in areas where it had been removed after first ripping the compacted surface. In areas where topsoil had not been removed, the surface will be ripped, if necessary, to eliminate compaction caused by vehicular use.

4. CR Briggs will avoid all known cultural resources.

5. If any previously unknown paleontological or cultural resources are discovered during ground disturbing activities, activities will immediately cease in that area and BLM will be notified of the discovery. BLM will, as appropriate, evaluate the significance of the site and determine the need for mitigation. Operations will not resume in the area of the find until authorized by the BLM.

6. The BLM authorized officer will inspect the disturbed areas and determine the seed mix to be used for reclamation. The seed mix will include only native species. The authorized officer may alter the mix across the exploration area due to variations in ecological site as a result of differing aspects, elevations, soils, precipitation and other pertinent factors. The authorized officer will also inspect all overland drilling access routes and determine which of these routes require ripping and which do not. CR Briggs will follow the authorized officer's direction regarding ripping.

7. The main method of drainage and sediment control on the disturbed road areas will be design and construction of the roads and timely rehabilitation. Where reclaimed road grades are steep, water bars/dips will be constructed to convey runoff across the road surface rather than down it.

8. Drainage crossings will be restored, as closely as practicable, to their pre-disturbed configurations. This will involve removal of fill and placement of coarse rock as needed.

9. No employees will be allowed to camp on site.

10. No open fires will be allowed on site.
11. CR Briggs will use the currently disturbed area to the greatest extent practicable to minimize unnecessarily creating additional disturbance.
12. CR Briggs will use overland access techniques wherever practical to minimize ground disturbance.
13. The BLM authorized officer will inspect all existing drill disturbance used by CR Briggs in the course of this program and will designate which existing disturbances are to be reclaimed. CR Briggs will reclaim those disturbances to the same standards as used for new disturbance created under this exploration program.
14. No ground disturbing activities will be conducted until CR Briggs posts a financial assurance instrument in amount and form acceptable to the BLM.
15. All site reclamation will be complete within 18 months following completion of the exploration except for areas proposed for future mine development. CR Briggs will identify all areas proposed for future mine development. BLM will determine whether these areas also require reclamation and notify CR Briggs. If development is not forthcoming, BLM may decide that these areas will require interim reclamation.
16. CR Briggs will obtain all necessary state, local and regional permits prior to commencing exploration activities. All necessary permits will be maintained in good standing for the duration of the exploration and reclamation activity.
17. Consistent with BLM Ridgecrest Field Office practice, the authorized officer will require annual inspections of the reclamation for a period of up to 10 years following revegetation. Areas will be reseeded during this period, and target non-native species will be removed, as directed by the authorized officer.
18. The BLM will require that the Project Proponent submit activity reports to the BLM on a regular basis. Reports are to be submitted at the end of each month or at any time prior to any significant change in exploration direction that was not anticipated in the previous monthly report. The reports will include a map of the disturbance to date, and a summary table of the exploration disturbance. The map will depict constructed roads, overland travel routes, and drill hole locations. The activity report will also identify the expected drilling pattern for the ensuing month. During inactive months the report will be a letter stating that no new disturbance was created during the prior month and identifying new disturbance (if any) expected during the upcoming month. In addition, the Project Proponent will submit an annual report summarizing yearly activity. The annual report will cover the period from July first through June 30 of each year.

Upon receipt of this information, the BLM will determine, in an administrative procedure, (1) whether the Project Proponent has proceeded in accordance with the approved Plan of Operations, and (2) whether the ensuing stage will be consistent with the approved Plan of

Operations. If the BLM determines that either the past stages or the planned stage are not in compliance with the approved Plan of Operations it will so notify the Project Proponent. If the BLM determines that the Project is not in compliance with the approved Plan of Operations, the Project Proponent will have the option of modifying the Project or the Project submittal, as appropriate, to bring the project into compliance. If the Project Proponent elects to modify the project, it will be obligated to resubmit documentation to the BLM for determination of compliance. This procedure will be an administrative procedure only. It will serve as a periodic check to determine whether the Project is being operated consistent with the approved Plan of Operations. This procedure will make no new decisions and no new commitments of environmental resources and will not be subject to NEPA review.

19. All drilling equipment used on the project will be pressure washed to remove seeds prior to entering the Panamint Valley.

20. All drill holes will be abandoned in compliance with applicable California and BLM regulations.

21. Night operations requiring artificial lighting will not be allowed.

22. Maternity season for Townsend's big-eared bat can begin as early as mid-March, consequently, road building and drilling will be prohibited within 500 ft of known maternity roosts for this species during a period beginning on March 16 and extending through the end of September of each year.

Reporting

CR Briggs will submit monthly reports, and an annual progress report on the details of the construction, exploration and reclamation activities.

Alternatives Including the No Action Alternative

The Revised EA examined three alternatives: the project as proposed by the applicant, a helicopter supported drilling alternative, and the no action alternative. Other alternatives were considered but not analyzed as they did not improve the analysis by changing the impacts in any important way.

Public Comments

The BLM received 32 letters in response to the Cecil R – Jackson Revised EA. Together these letters contained 55 separate comments that are responded to below.

Many letters expressed opinions in support of or in opposition to the proposed project, expressed opinions on certain specific project related matters, or expressed the writer's beliefs about the importance of resources or impacts (and the significance of those impacts) to resources. Other letters chose to agree or disagree with the analysis as presented. The beliefs expressed all appear to be well intentioned, strongly held, and reflect a genuine concern for the management of the public lands. The BLM recognizes that differences of opinion will always exist, and appreciates, respects, and notes all opinions expressed in this process. Thanks to all who have taken the time to share their opinions on this matter.

Comment 1: The EA indicates that there are no perennial surface water courses in the project area, but indicates that the California Department of Fish and Game would be contacted about a Stream Bed Alteration Agreement (1603 Permit).

Response 1: The California Department of Fish and Game administers the 1603 process which applies to many areas outside of perennial water courses.

Comment 2: Request that soil disturbance be minimized.

Response 2: The BLM will assure that soil impacts will be minimized to the extent practicable. See Revised EA, BLM Proposed Mitigation Measures, items 11 and 12.

Comment 3: Request the latest BMPs be designed, implemented, and maintained throughout the project.

Response 3: The BLM has addressed BMPs in the Revised EA, Mitigation Measures, item 7, and section 4.4.1. The BLM is not alone in its responsibility for implementation of BMPs. The author of this comment is a regulatory agency with authority over storm water permitting for industrial facilities and is fully capable of implementing any and all BMPs within its authority. The Revised EA, BLM Proposed Mitigation Measures, item 16, requires that the project proponent receive and comply with the terms of all appropriate permits.

Comment 4: Request that exploratory holes be properly abandoned.

Response 4: The EA specifies that all holes will be abandoned in compliance with both BLM and California regulations. See Revised EA section 4.5.1.

Comment 5: Request that an EIS be prepared for this project.

Response 5: See Revised EA, Collected Comments and Responses, item 10.

Also, there seemed to be a presumption on the part of some commentators that an EIS should be prepared without full consideration of the outcome of the EA. The EA can have only two possible outcomes; a Finding of No Significant Impact, or a finding that there are significant impacts, and that an EIS should be prepared. The finding of no significant impact that accompanies this response to comments documents the BLM's findings in that regard.

Some commentators point out that since there is the possibility of additional work by the same applicant in the Panamint Range, there must be an EIS to address any possible future work. The test laid out for determining whether a project is complete, and therefore properly the subject of an independent environmental evaluation, is the test of independent utility. In short, does the project have utility on its own merits, or does it require other actions to be complete? The purpose of the exploration is to determine whether there is sufficient locatable mineral to make mining a feasible proposition, in other words, the purpose of the project is to inform a decision on the future. The fact that one outcome could be to decide that there is no basis for going

forward with a mining operation gives this project independent utility, because the project would cease at that point.

It has also been argued that since Briggs has stated its belief in a valuable mineral deposit, and is willing to expend the cost of a drilling exploration program, then a future mine must therefore be a reasonably foreseeable development needing an EIS (or equally, that mining is a necessary cumulative effect of exploration). Such is not the case.

The BLM is fully aware that large, open-pit mining proposals generally require an EIS for proper analysis. The BLM is also aware that, if the subject mining claims (or some of them) contain sufficiently valuable mineralization, a proposal to mine such minerals would be the next logical step for a prudent miner. However, such a mine would be dependent on the existence of a sufficiently valuable mineral deposit. It has not yet been demonstrated to the BLM that such a deposit exists. Lacking such data, BLM does not attempt to analyze scenarios concerning values of mining claims or their potential for development.

A properly located, valid mining claim is a private property right /1/. On the other hand, an invalid claim conveys no rights of any kind to the claimant. This question of 'validity' depends directly on the presence or absence of valuable mineralization within the boundaries of a properly registered claim; valuable enough that a person of ordinary prudence might reasonably invest his/her efforts in the claim with an expectation of developing a paying mine /2/. There is no such thing as a valid lode claim without mineralization. The BLM is the agency charged with making this determination. For the BLM to affirm that a location may contain mineralization valuable enough to mine, is to recognize that claim as valid; once recognized as valid, a claimant's right to develop has the same force as a person's right to develop his or her private property. Under no circumstances will the BLM comment on the value of mineralization within any mining claim without supporting evidence.

The mere statement of a claimant's belief in valuable mineralization, in itself, cannot be used as demonstrable evidence that the claim actually contains a valuable deposit /3/. The State of California alone (not counting other states) contains over 10,000 unpatented lode claims on federal lands; the location notice for each is filed with the BLM State Office. Each of these 10,000 location notices is a public document, and can reasonably be treated as a 'claim' that the locator believes that he/she has satisfied the conditions of the Mining Law. However, it is important to remember that registration of location notices is simply a clerical matter and does not represent a declaration or determination of a mining claim's validity. Of these 10,000, perhaps only a part are actually valid under the meaning of the mining laws. However a claim cannot be arbitrarily struck down merely because it is in an undesirable location; the claimant, if he or she so chooses, must be afforded due process before voiding the claim /4/.

As stated in the EA, "The need for the Proposed Action is to determine whether the subject lands contain valuable minerals sufficient to support development of a mine." The Purpose and Need for the proposed action is to gain knowledge; to learn and describe whatever mineral resources may exist here.

/1/ "The rule is established by innumerable decisions of this Court, and of state and lower federal courts, that, when the location of a mining claim is perfected under the law, it has the effect of a

grant by the United States of the right of present and exclusive possession. The claim is property in the fullest sense of that term; and may be sold, transferred, mortgaged, and inherited without infringing any right or title of the United States. The right of the owner is taxable by the state; and is 'real property,' subject to the lien of a judgment recovered against the owner in a state or territorial court. - - - The owner is not required to purchase the claim or secure patent from the United States; but, so long as he complies with the provisions of the mining laws, his possessory right, for all practical purposes of ownership, is as good as though secured by patent. - - " quotation from *Wilbur v. U.S.*(1930), U.S. Supreme Court, 280 U.S. 306 (available through <http://www.findlaw.com/casecode/supreme.html>)

/2/ 'Where minerals have been found, and the evidence is of such a character that a person of ordinary prudence would be justified in the further expenditure of his labor and means, with a reasonable prospect of success, in developing a valuable mine, the requirements of the statute have been met. To hold otherwise would tend to make of little avail, if not entirely nugatory, that provision of the law whereby 'all valuable mineral deposits in lands belonging to the United States . . . are . . . declared to be free and open to exploration and purchase.' - - - from *Castle v. Womble*, 19 LD 455; the decision of the Secretary of Interior (1894); commonly known as the 'Prudent Person Test.'

/3/ "Some cases have held that a mere willingness on the part of the locator to further expend his labor and means was a fair criterion. In respect to this *Lindley on Mines*, 1st ed. 336, says: 'But it would seem that the question should not be left to the arbitrary will of the locator. Willingness, unless evidenced by actual exploitation, would be a mere mental state which could not be satisfactorily proved. The facts which are within the observation of the discoverer, and which induce him to locate, should be such as would justify a man of ordinary [197 U.S. 313, 323] prudence, not necessarily a skilled miner, in the expenditure of his time and money in the development of the property.' -" From *Christman v. Miller*, U.S. Supreme Court (1905) 197 US 313.

/4/ "- A mining location which has not gone to patent is of no higher quality and no more immune from attack and investigation than are unpatented claims under the homestead and kindred laws. If valid, it gives to the claimant certain exclusive possessory rights, and so do homestead and desert claims. But no right arises from an invalid claim of any kind. All must conform to the law under which they are initiated; otherwise they work an unlawful private appropriation in derogation of the rights of the public." - - - "Of course, the Land Department has no power to strike down any claim arbitrarily, but so long as the legal title remains in the government it does have power, after proper notice and upon adequate hearing, to determine whether the claim is valid and, if it be found invalid, to declare it null and void." - - from *Cameron v. United States* (1920), U.S. Supreme Court, 252 US 450 & 459, <http://www.findlaw.com/casecode/supreme.html>).

(One should also note that when the government challenges a claimant's assertion that his/her claim satisfies the Mining Law, the government's challenge must be based on evidence. This means gathering and analyzing sufficient evidence to form a professional judgment. Since this case involves lode claims, such a theoretical challenge would possibly include gathering evidence underground via a government-sponsored drilling program. Should the evidence show that a given claim is valid (and therefore having private property rights), and should the government also decide to prohibit development, then this same drilling data would be necessary for calculating the compensation due the claimant per the Fifth Amendment of the U.S. Constitution.)

Comment 6: The EA does not adequately address impacts to: (1) visual resources, in that reclamation is not restoration, and that no visual simulation was prepared, (2) Native American values, (3) air quality, in that no figures for air emissions are provided, (4) revegetation, in that restoration, not reclamation should be the goal, a single revegetation effort is not sufficient

(multiple efforts may be required), and there should be consideration of nursery and soil stabilizing techniques for reclamation of each site, and (5) wilderness in that the area could be designated as wilderness in the future, thus, impacts today could affect the wilderness of tomorrow.

Response 6: (1) The EA discloses that reclamation is not restoration (See Revised EA section 4.10.2, and Revised EA Collected Comments and Responses, item 18). BLM regulations found at 43 CFR 3809.401 (b)(3) and 43 CFR 3809.420 do not require restoration. The BLM has elected to use a written analytical technique to evaluate visual impacts. Photographic simulations are merely one tool for evaluating visual impacts and are not called for in every analysis. The proposed action occurs within multiple use class L lands and is consistent with management prescriptions for class L lands under the CDCA Plan (1980) as amended. The Cecil R – Jackson exploration area is not located in a wilderness area, a wilderness study area, an area of critical environmental concern, or any other specially designated area. The method of proposed exploration is consistent with best management practices for such exploration on class L lands, and will not result in unnecessary or undue degradation of the environment.

(2) The EA discloses the results of the Timbisha consultation (See Revised EA, Sections 3.9, 4.9, and 4.15.10).

(3) The air quality evaluation in the EA is qualitative because the emissions from this project would be relatively small and a rigorous numerical analysis would not improve the understanding of the issue (See Revised EA, Section 4.1.2).

(4) See Revised EA, Collected Comments and Responses, item 18, and BLM Recommended Mitigation Measures attached to the FONSI.

(5) This comment suggests that the BLM should evaluate impacts to wildernesses that do not currently exist on the presumption that some future Congress may wish to designate the area as wilderness. The Revised EA addresses impacts to existing wildernesses, and to the subject lands, in chapter 4. Congress has instructed the BLM to manage the subject lands as multiple use lands, and that designation is the basis for the evaluation in the Revised EA. It is possible that completion of this project could affect future evaluations of the area for wilderness status.

Comment 7: The BLM must assure that all visual requirements are met.

Response 7: All Visual requirements are met. See Revised EA sections 3.10, 4.10, and 4.15.10. The CDCA plan does not address visual resource management classes, thus, there are no visual classes to consider in the analysis. Under the CDCA Plan, scenic values were assessed and included as a component of the various land use classes. The project area is designated and managed as multiple use class L lands. The proposed project is permissible on class L lands.

Comment 8: How can the BLM permit activities that increase air pollution in non-attainment areas? Request for a PSD analysis.

Response 8: Virtually the entire state of California, with the exception of one county, is classified as non-attainment for the 24 hour PM10 standard (see Revised EA section 3.1). The non-attainment will continue, regardless of whether this, or any other project, goes forward. The project itself is not expected to cause exceedances of the PM10 standard. For a discussion of PSD analysis, see Revised EA, Collected Comments and Responses, Item 32(3).

Comment 9: The EA does not contain mitigation measures that will assure compliance with California Ambient Air Quality Standards (CAAQS).

Response 9: The drilling is not expected to cause exceedances of CAAQS. The BLM will require that the project comply with appropriate Great Basin Unified Air Pollution Control District regulations (Revised EA, BLM Proposed Mitigation Measures, item 16).

Comment 10: The EA does not evaluate an alternative with no off road activity

Response 10: Such an alternative would be the no action alternative, which is fully evaluated in the EA.

Comment 11: The EA does not give any information on the status of the reclamation at the Briggs Mine.

Response 11: The Briggs Mine is in compliance with its BLM issued Plan of Operations

Comment 12: The EA does not say how the reclamation bond was calculated and does not take into account reclamation of existing drill roads. The BLM has an obligation to assure that the bond is adequate.

Response 12: The reclamation bond was calculated by Inyo County during their SMARA permitting process. The calculations were completed by estimating the full cost of implementing the reclamation and monitoring plan, assuming that the full 100 acres were disturbed (including existing drill roads), and further assuming that the reclamation would be performed by an independent contractor. This procedure complies with current BLM policy found at Bureau Manual Section 3809.19 and at 43 CFR 3809.500 through 43 CFR 3809.599 for estimating bond amounts. Under a cooperative agreement with Inyo County, the BLM has found the proposed bond amount to be adequate and in compliance with applicable regulations.

Comment 13: Access to South Park Canyon should not be denied as a result of this proposal.

Response 13: The South Park Canyon Road will not be closed as a result of this proposal.

Comment 14: On site camping should be allowed in the event of vandalism

Response 14: Comment noted.

Comment 15: Request that the public be allowed to review all drill roads before they are closed to see if they should be left open for recreation and an alternate request that all new roads be closed and their entrances disguised.

Response 15: See Revised EA, Collected Comments and Responses, item 5(1)(c), and 20.

Comment 16: Approving a FONSI for this project would be illegal because project phases beyond phase 1 are not described in detail.

Response 16: The proposed project is simple and is located in an area with well known and well quantified environmental resources. The project is described in sufficient detail to allow the analysis to proceed, and for a decision to be made. Item 18 under BLM Proposed Mitigation Measures addresses the process of tracking the exploration activity.

Comment 17: The BLM should set decision rules on approving future drilling phases.

Response 17: See Revised EA, BLM Proposed Mitigation Measures, item 18.

Comment 18: Figures 3 and 4 are misleading as they do not show the entire extent of the proposal.

Response 18: Figures 3 and 4 are clearly labeled as phase maps. They are not intended to be stand-alone documents, but are part of the project description in Revised EA section 2.1. They are referenced from the text in that section.

Comment 19: The EA should include a cross section showing road construction and reclamation.

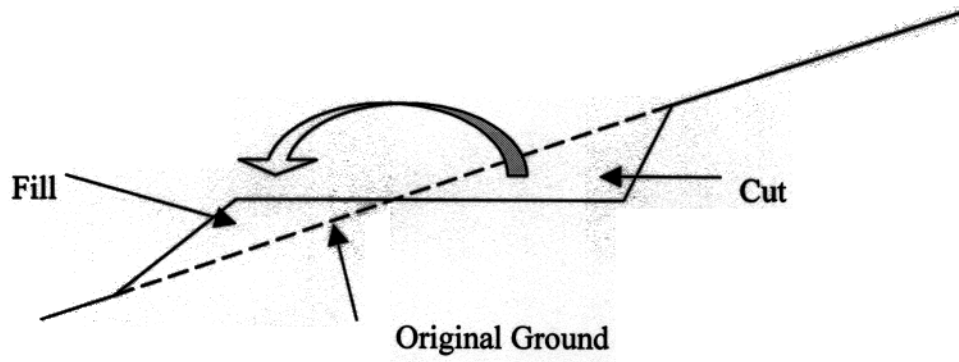
Response 19: A figure is attached with these responses.

Comment 20: The applicant should be required to do cross section surveys of the streams at crossing locations in order to facilitate reclamation.

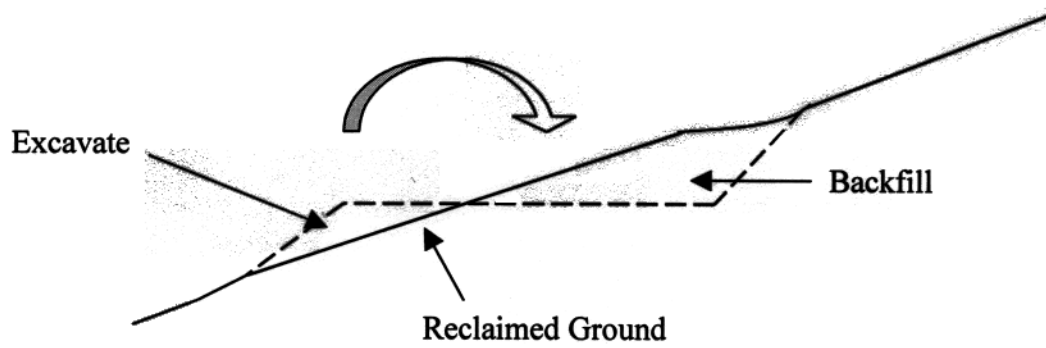
Response 20: Gully crossings will be relatively short. The preferred method will be to match the reclaimed stream channel with the stream channel immediately above and below the disturbance.

Comment 21: The streambed alteration agreement should be included as mitigation in chapter 4 of the EA.

Response 21: The requirement for a streambed alteration agreement is identified as a requirement in Revised EA section 1.3.11. The details of the streambed agreement will be negotiated between the applicant and the Department of Fish and Game. Those details are unknown to the BLM.



Road Construction



Road Reclamation

Comment 22: The BLM should evaluate all overland travel routes and determine which of those routes should be ripped. The applicant should then rip only those routes designated by the BLM.

Response 22: Mitigation measure 16 addresses this suggestion.

Comment 23: Reclamation costs should include the cost of bentonite for sealing of water producing drill holes. Such cost should include the reclamation costs at the bentonite source.

Response 23: Bentonite is a commercially available product that would be purchased for use in drill hole plugging (if needed). This proposed project does not include any bentonite mining.

Comment 24: There is no provision for control of cross-contamination of aquifers.

Response 24: The conceptual ground water model, developed as part of the Briggs Mine EIS, is that there are two ground water aquifers. The upper most aquifer is a fracture controlled aquifer in the bedrock of the range. This aquifer contains relatively clean water, but is inconsistent in flow and location, as expected in a fracture controlled system. This is the system that would be intercepted should any drill holes encounter water. However, drilling at the Briggs Mine showed that it is unlikely that drill holes will intercept fractures with water in them. The lower aquifer is an alluvial aquifer in the valley sediments. This aquifer is of generally poorer quality, being quite saline. Drilling in the bedrock of the range is unlikely to intercept the alluvial aquifer. Thus, cross contamination is an unlikely event.

Comment 25: The EA does not provide a spring survey, and there are no provisions to protect springs in confined aquifer systems.

Response 25: There are no springs in the project area. The closest springs are over a mile from the project, and are fed by fracture controlled systems, not confined aquifer systems.

Comment 26: Ground water discussions from the Briggs Mine EIS are not appropriate to this analysis and the EA does not provide any information on the depth of drill holes.

Response 26: In the fracture-controlled system of the upland areas, ground water may be encountered. However, the conceptual model from the Briggs Mine EIS remains the most appropriate model as the geology and topography of the Briggs Mine are analogous to the project area. Moreover, the only means of developing any other ground water information would be to drill holes. Information on drill hole depth can be found in Revised EA section 2.1, p 8.

Comment 27: The BLM should require the project proponent to employ qualified archaeologists and wildlife biologists to survey the area.

Response 27: The required baseline surveys were completed by qualified persons (see Revised EA, References Cited). BLM personnel will monitor compliance with avoidance requirements.

Comment 28: The BLM has not considered the cumulative impacts of mining on area resources.

Response 28: See Revised EA section 4.15 and Collected Comments and Responses, item 10.

Comment 29: The EA must consider exploration alternatives that are less impactful, such as slant drilling and helicopter access.

Response 29: See Revised EA Collected Comments and Responses, item 5, see also response 46, this document.

Comment 30: Request for an extension of time to respond to the EA

Response 30: The BLM has exceeded the requirements for public comment on this proposal.

Comment 31: Why was the public comment period delayed in mailing?

Response 31: Copies of the Revised EA were mailed (on October 9, 2002) to all who commented on the original EA. Other copies were mailed upon request. The Revised EA was available on the BLM web site on October 8, 2002.

Comment 32: The EA contains conflicting information on reclamation in the following places: Proposed Mitigation, Item 15; Section 2.1 Proposed Action, page 10 paragraph 3; and ; Section 2.1 Proposed Action, page 11 paragraph 3.

Response 32: The description under the Proposed Mitigation section is mitigation as proposed by the BLM. The description on pages 10 and 11 is mitigation as proposed by the Project Proponent. To the extent that there is a conflict between the descriptions, the BLM mitigation would govern.

Comment 33: The EA should contain maps of future phases of drilling, beyond initial phases.

Response 33: See Revised EA, Collected Comments and Responses item 1.

Comment 34: The text on page 11 describes the Jackson initial phase drilling as including 12 holes, but Figure 4, Jackson Phase Map shows only 6 holes.

Response 34: CR Briggs has clarified that 12 holes are planned for the Jackson initial phase drilling, two holes each at each location shown on the figure.

Comment 35: The bighorn sheep study should be released. Past requirements to study mining effects on bighorn sheep have not been fulfilled.

Response 35: The BLM did consider the data included in this internal working document and would very much like to see the bighorn study released. Unfortunately, the release of that study is outside the control of the BLM. It is also outside the control of CR Briggs. The work was

conducted by the California Department of Fish and Game (with an advisory group that included the BLM, Death Valley National Park, and CR Briggs) and it is the responsibility of the Department of Fish and Game to release the study when complete.

Comment 36: The impacts of a potential mine development must be acknowledged in the EA.

Response 36: See Revised EA section 4.15.

Comment 37: Wilderness status issues: (1) The BLM should look into the wilderness suitability of the project area; much of the project area was recommended by BLM as wilderness quality land prior to the 1994 California Desert Protection Act. (2) Approving the project would permanently disqualify this area from wilderness status when congress specifically instructed that the area be reassessed.

Response 37: (1) The project area was proposed for wilderness designation by proponents of the California Desert Protection Act in 1991. However, it was dropped (deleted) from the wildernesses designated by Congress in the CDPA of 1994. This was evidently done in recognition of the mineral potential of the lands in question. The Congress determined that the statutory rights of the mining claimants require permitting of exploration and potentially of development of the mining claims under the mining law. The Congress therefore excluded these lands from further consideration as wilderness unless and until exploration, and potentially development, is completed. Section 106 of the CDPA requires the Secretary of the Interior in ten years "to report to Congress on current and planned exploration, development or mining activities on" the lands in question, as well as on their "suitability for future wilderness designation." The implication is that if these lands are not developed, or upon exploration are shown to have little to no mineral potential worth developing within ten years of enactment of the CDPA, then the question of their suitability for wilderness might be revisited. The mineral potential of these lands cannot be adequately assessed per Section 106 without exploration.

(2) These lands were not retained as Wilderness Study Areas (WSAs) but were released, either as Class L or M multiple-use lands. The CDPA contains "hard release" language to the effect that all areas not designated as wilderness or as wilderness study areas in the CDPA "have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976" and "are no longer subject to the requirement of section 603(c)" of FLPMA "pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness." (CDPA of 1994, Section 104(a)). To the extent that the proposed exploration project disturbs the land in question, it could jeopardize the area's future suitability as wilderness. However, the exploration project as proposed contains provisions for mitigation that exceed reclamation standards and approach restoration standards.

Comment 38: Recommendation that a BLM archaeologist, accompanied by a Timbisha Shoshone representative perform cultural resource spot checks during ground disturbing activities.

Response 38: Should on-site inspections occur during ground disturbing activities, the BLM will coordinate with the tribe so that the tribe has the opportunity to participate in the inspections.

Comment 39: The Timbisha Shoshone Tribe should be immediately notified by BLM after it has received any information concerning cultural resources discovered during ground disturbing activity.

Response 39: The BLM will notify the Timbisha Shoshone tribe upon receiving notification of discovery of any previously unknown Native American cultural resources.

Comment 40: ASM Affiliates' report did not consider the project area to be part of the Timbisha Shoshone Homeland.

Response 40: The Timbisha Homeland boundary did not figure into the report's conclusions as no Native American related cultural resources were discovered.

Comment 41: The map depicting the Timbisha Shoshone Homeland should be included in the EA.

Response 41: The map has been included by reference.

Comment 42: Appendix 4 of the Revised EA contains the statement that "there are no known plans for substantive development of gold mining or exploration in the southern Panamint Range..." This statement is not true.

Response 42: The statement in question is lifted from section 5.4 of the Briggs Mine EIS. Section 5.4 of the EIS was lifted intact and placed into appendix 4 of the revised EA to address the cumulative impacts of a potential future gold mining and exploration scenario. The phrase is part of the introduction to that section and was used to set out the current state of affairs at the time the EIS was written. The phrase is not pivotal to the analysis provided.

Comment 43: The exploration plan is not sufficiently detailed to permit development of an EA because it does not have specified road length, and road and drill holes.

Response 43: The EA has been completed on the basis of the limit of 100 acres of disturbance within a specified 3000 acre parcel.

Comment 44: The roads will be visible in the distal view as illustrated by views of roads on Conglomerate Mesa and in the aerial view of the Briggs Project before the mine was constructed.

Response 44: The Conglomerate Mesa example is not analogous to the project situation. Conglomerate Mesa is heavily and prominently vegetated, has a much more consistent topographic surface, and it is relatively monochromatic. This gives the mesa a consistent color and texture that prominently display any disruption. The road is a single linear feature across the entire face of the mesa that replaces the surface vegetation with geologic material. The road on

Conglomerate Mesa introduces new line, texture, and color to the landscape, a powerful combination for visual change. The Panamints on the other hand, have a tortured surface, are highly variegated, and lightly vegetated. The roads will be combinations of short segments that are spread around. They will rearrange the geologic material but displace limited vegetation. As the visual analysis indicates, there will be limited change to color and texture, no introduction of prominent lines, and no change in form. This combination makes for a much more subdued change than the one seen on Conglomerate Mesa.

Aerial views do not fairly represent changes in landscape view from ground based observation points and are not representative viewpoints for the analysis.

Comment 45: The wording in section 1.4 of the EA implies that the BLM has used information from earlier studies that is not available to the public. Also, the wording in response to comment 10 on the original EA implies that mining company information was used which is also not publicly available. The BLM cannot use information in this EA without making that information available.

Response 45: The wording in section 1.4 states that “the information from those studies was used to support analysis of the Proposed Project.” It would have been more accurate to say that the experience gained in performing these closely related analyses in the Panamint Range gives the BLM staff current knowledge of the area that improves the quality of the analysis. The mining company information referenced in response to comment 10 on the original EA is available at www.canyonresources.com and related links at that web page. This web address was disclosed in Appendix 1 of the Revised EA.

Comment 46: The EA should consider the possibility of drilling one or more slant holes from each drill pad.

Response 46: There is no reason that slant holes cannot be drilled from the proposed drill pads. The applicant has incorporated this technique into its proposed action (see comment and response 34, this document). Hole orientation would not affect the analysis.

Comment 47: The EA should consider the possibility of using drilling equipment that does not need a drill pad.

Response 47: The EA considers the use of such equipment in the discussion of overland drill access techniques. It is incorporated into the applicant’s proposal.

Comment 48: The response to comment 10 on the original EA deals only with cumulative impacts and is silent with respect to calls for preparation of an EIS/EIR.

Response 48: The response to comment 10 on the original EA responds to numerous commentators who called for preparation of an EIS/EIR. Those requests were largely based on concerns about piecemealing of the analysis. The response addresses the question of piecemealing.

Comment 49: The EA says that night work will not be allowed on the project, but no such mitigation measure exists in the list of BLM proposed mitigation measures.

Response 49: It has been corrected and a mitigation measure added.

Comment 50: Ecosystem fragmentation could affect wilderness values.

Response 50: The ecosystem around the proposed project is an enormous contiguous system, stretching for tens and tens of miles through BLM lands, wildernesses administered by BLM and the National Park Service and Death Valley National Park. The proposed project represents less than one half of one percent of that ecosystem and is not likely to significantly affect wilderness values. Please refer to chapter 4 of the revised EA for a more complete discussion of impacts.

Comment 51: The BLM should assess whether gold mining is economically feasible in the project area before allowing exploration to proceed.

Response 51: An assessment of the economic viability of gold mining is, in large measure, dependent on the size, grade, and geometry of the mineral deposit in question. At this time, there is not sufficient data to allow such an assessment.

Comment 52: The Revised EA piecemeals the environmental review by not addressing the effects of mining.

Response 52: Please see Revised EA Collected Comments and Responses, item 10.

Comment 53: The EA does not acknowledge controversy about the effects of mining on Bighorn sheep. Further, it does not acknowledge certain statements about bighorn sheep in the masters thesis of Mr. Michael William Oehler.

Response 53: The BLM staff disagrees with the assertion that the Briggs Mine has had a significant effect on the Bighorn sheep in the mine area. The Revised EA and Record of Decision reflect the BLM's judgment, as managing agency, of the results of the bighorn study. Moreover, regardless of whether there is agreement on the findings of the study in question, that study investigated the impacts of mining on bighorn sheep; the Cecil R – Jackson EA addresses the impacts of exploration. Exploration is a shorter duration and much less intensive activity than mining, and the exploration will take place well away from any springs that are important to the bighorn sheep.

Comment 54: Exploration equipment could bring exotic seeds into the area.

Response 54: Please see BLM proposed mitigation measure number 19.

Comment 55: The EA does not provide for 10 years of monitoring for invasive plant species.

Response 55: Please see BLM proposed mitigation measure number 17.

Finding of No Significant Impact

I have reviewed the above described NEPA compliance document (Environmental Assessment) and have determined that the proposed action is in conformance with the CDCA PLAN dated Sept. 1980, and its subsequent amendments, and that the proposed action does not constitute unnecessary or undue degradation of the public lands, nor does it constitute undue impairment of the public lands.

This action approves a project that will result in disturbance of up to 100 acres within a 3000 acre project area. Except for mandatory exclusion areas for cultural resources and bat habitat, the precise 100 acres to be disturbed are not known. However, the analysis of resources within the 3000 acre project area demonstrates that there are no other known resources within the project area that require such exclusion.

This Finding of No Significant Impact (FONSI) applies only to the Proposed Action including all of the mitigation requirements listed in the Decision Record that will be attached as conditions to the Plan of Operations. This FONSI does not apply to any mining proposal that may subsequently arise from the exploration. The BLM will determine, in the field, which old drill roads, if any, will be reclaimed by the Project Proponent. This FONSI applies to the Proposed Project regardless of the BLM's field determination on reclamation of old drill roads.

I have determined, based on the analysis in CA650 - 2002 - 082 (Cecil R – Jackson Exploration Plan of Operation Environmental Assessment), that this is not an action that would significantly affect the quality of the human environment; therefore, an Environmental Impact Statement is not required. This determination is based on the rationale that significance criteria, as defined by the Council on Environmental Quality (40 CFR 1508.27), are not being met, or if met will be mitigated to a level that will not be significant. 40 CFR 1500.5 (l) provides that agencies may use a finding of no significant impact when an action not otherwise excluded will not have a significant effect on the human environment (1508.13) and is therefore exempt from requirements to prepare an environmental impact statement.

The following rationale was used to determine that significant impacts were not present for each criteria mentioned in 40 CFR 1508.27:

Rationale for Decision

1. The short and long term impacts of exploration disturbances as disclosed in the EA are not considered to be significant to the human environment. The short term impacts from implementation of the proposed action are local; they are not national or regional in nature.
2. Public health and safety are not affected by the proposed action. All considerations to protect public health and safety are properly addressed through licensing by appropriate California State agencies. There will be no significant irreversible resource commitments or irretrievable loss of resource values.

3. The proposed project conforms to the applicable State Implementation Plan (SIP) for the purpose of attaining national ambient air quality standards (NAAQS).

4. There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks.


5. The proposed action does not set a precedent for other projects that may be implemented to meet the goals and objective of the CDCA Plan. The proposed action is consistent with the land use classification assigned to the project area under the CDCA plan.

6. This action does not violate Federal, State or local law or requirements imposed for the protection of the environment.

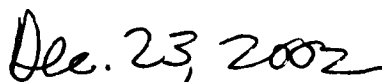
7. This action approves only exploration activities, not the development of a mine. Therefore, any potentially significant impacts that might occur as a result of mine development will not occur as a result of this decision. Future decision(s) and future NEPA analysis(es) would precede any mining development that might be proposed.

Monitoring

Monitoring of the analysis and conclusions made in CA650 - 2002 - 082 will be conducted by BLM resource specialists to assure consistency. If impacts exceed the degree and type specified in this environmental analysis, a new, stand-alone NEPA compliance document will be prepared. Minor deviations from the operating exploration plans will be allowed only if the total size of disturbance and anticipated impacts do not exceed 100 acres.



Ridgecrest Field Office Manager



Date

**Cecil R – Jackson Revised EA
Public Comments and Responses**

No. Author	Date Sent Date Received	Comments
1. Lahontan Regional Water Quality Control Board	11/08/02 11/08/02	1, 2, 3, 4,
2. Desert Survivors.	11/07/02 11/07/02	5, 6, 7, 8, 9, 10, 11, 12,
3. Gear Grinders 4 Wheel Drive Club	11/05/02 11/07/02	13, 14, 15
4. Great Basin Mine Watch	11/05/02 11/08/02	5, 6, 8, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27
5. IMC Chemicals	11/08/02	
6. Searles Valley Municipal Advisory Council	11/07/02	
7. Sierra Club, Owens Peak Group	11/02/02 11/12/02	5, 15
8. Sierra Club, Range of Light Group	11/06/02 11/12/02	12, 28
9. Sierra Club, Ridgecrest CNRCC Mining Committee	11/06/02 11/12/02	5, 29
10. Doug Allen	10/22/02 10/22/02	30, 31
11. Harriet Allen	11/16/02 11/12/02	6, 32
12. George Barnes	11/01/02 11/02/02	33, 34
13. Paul Brickett	10/24/02 10/28/02	33
14. Lynne Buckner	10/29/02 10/29/02	
15. Craig Deutsche	10/24/02 11/01/02	35, 36
16. Kelly Fuller	11/08/02 11/08/02	
17. Derham Guiliani	10/26/02 10/31/02	
18. Marydith Haughton		
19. Marc Meyer	11/06/02 11/12/02	5, 37
20. Tony Morin	11/02/02 11/04/04	

**Cecil R – Jackson Revised EA
Public Comments and Responses**

21. Sheryl Schindler	10/24/02 10/28/02	5
No. Author	Date Sent Date Received	Comments
22. Judy Wickham	10/25/02 10/28/02	5
23. David Halligan	11/7/02 11/12/02	
24. Elden Hughes	11/12/02	5
25. Donald (unreadable)	11/06/02 11/12/02	5, 29
26. Timbisha Shoshone Tribe	11/14/02 11/18/12	5, 6, 38, 39, 40, 41,
27. Thomas Budlong	11/05/02 11/07/02	5, 42, 43, 44, 45, 46, 47, 48, 49
28. California Wilderness Coalition	11/18/02	5, 6, 28, 37, 50, 51, 52, 53, 54, 55,
29. Thomas Budlong	11/13/02 11/18/02	6
30. H. N. Swanson	11/12/02 11/18/02	
31. Craig Deutsche	11/14/02 11/18/02	28, 53
32. Center for Biological Diversity	11/18/02 11/18/02	28, 29, 35, 43



"George Cella"
<GCella@rb6s.swrcb.
ca.gov>

11/08/02 04:52 PM

To: <Randy_Porter@ca.blm.gov>

cc: "Cindi Mitton" <cmittton@rb6v.swrcb.ca.gov>, "Kai Dunn"
<KDunn@rb6v.swrcb.ca.gov>

Subject: Review of the Cecil R- Jackson Revised EA

(1)

Randy -

Our South Lake Tahoe office has received and reviewed a copy of the above-mentioned revised EA. Please be advised that any future discussions concerning this, or any similar projects within Inyo County, should be distributed to Kai Dunn at our (Lahontan) Victorville office, at:

15428 Civic Dr.
Suite 100
Victorville, CA 92392.

We have the following comments:

- Lahontan Regional Board staff agrees that the project would require a storm water permit. Please ensure that this is applied for in a timely fashion.

- The Revised EA indicates that there are no perennial surface water courses in the area, yet discusses runoff drainage channels and indicates that the CA Dept. of Fish and Game would be contacted concerning any potential 1603 permits. The maps supplied with the Revised EA did not show any intermittent or ephemeral drainages and the narrative of the report did not describe where these might be located. We therefore cannot tell whether any of these drainages could be impacted by the proposed road or project site work. Furthermore, the Revised EA did not go into detail concerning specific Best Management Practices (BMPs) to be used anywhere throughout the project. Regional Board staff would therefore like to request that soil disturbance be minimized as much as practicable during road and project work and that the latest BMPs be designed, implemented, and maintained throughout all project work to minimize soil transport off site. Additionally, please ensure that all exploratory holes are appropriately abandoned.

Thank you for the opportunity to review this Revised Ea. If you have any further questions or water quality concerns, please contact Kai Dunn at (760) 241-7365.

- George

~~~~~  
George E. Cella  
Associate Engineering Geologist  
Lahontan Regional Water Quality Control Board  
(530) 542-5426  
GCella@rb6s.swrcb.ca.gov  
~~~~~

(2)

Hi Randy

I am sending this comment through email so you will have it for sure on November 8th. I

have also mailed a printed copy of our comments today which you will get soon. The printed version has a picture which is not shown here in the text extract.

Thanks

Bob Ellis

for Desert Survivors

Desert Survivors

P.O. Box 20991

Oakland, CA 94620-0991

510 525-8742

11/7/02

Mr. Randy Porter

Bureau of Land Management

Ridgecrest Field Office

300 South Richmond Road

Ridgecrest, CA 93555

RE: Cecil R - Jackson Revised EA

Comments

FULL EIS REQUESTED, EA

INSUFFICIENT

Dear Sir:

Desert Survivors has a great interest in preserving the natural splendor of the Panamint

Valley. Our members have enjoyed numerous hikes, backpacks, car camps, and special events

there over the years. We appreciate the efforts the BLM and Park Service have made in

working to keep the Panamint Valley a world class natural resource, the "other side" of

Death Valley.

Thank you for making a Revised EA available for comment. However we continue to be

gravely concerned with the proposal made by Canyon Resources to bulldoze over 22 miles of

new roads in a relatively pristine area of the Panamints six miles north of the current

mine and up to 4,000 feet on the mountainside.

Upon reading your Revised Environmental Assessment we were disappointed at the lack of

additional attention paid to several critical issues: Visual Resources, Cultural

Resources, Air Pollution, and Reclamation. Desert Survivors requested that you expand

your analysis on these topics and asked that an EIR be undertaken. At this point it

appears that you are taking business-as-usual" approach for mining projects. No EIR

needed, no significant impacts possible from "only" 100 acres of new roads carved into 20

to 40 miles of hillside. Basically this project will impair the visual

resources of one of the largest remaining pristine landscape in the United States. This is a critical part of the world-class "out-back" destination for thousands of tourists each year. The proposed project is right in the middle of things. You give a cursory treatment of the visual resources and imply that "reclamation" will fully restore the landscape to its pre-existing condition.

Desert Survivors continues to believe that a FULL ENVIRONMENTAL IMPACT STUDY is necessary for this project.

The two key issues which proved compelling in the Glamis Mine decision by the former ELM Solicitor were the significant damage to the Quechan Tribe's cultural landscape and the significant damage to the Visual Resource of the landscape in question.

The Briggs Mine is operating in much the same situation. Here the Timbisha have declared the Panamints to be sacred lands to their tribe and have opposed any mining. Here the visual resource of the greater Panamint Valley is an already internationally known asset. Your assessment has not truly addressed these larger issues. Congress has had legislation introduced this session favoring stronger protection for Native American sacred lands. The state legislature of California has under consideration a similar measure. Now is not the time to rush forward and allow further damage without careful study of all the impacts. We are not given this.

Your assessment describes a visual impact from two locations. It does not in any way address the total landscape issues of the probable impacts to the larger valley. It gives vague re-assurances that "reclamation" will cover the damage, but admits this is not adequate restoration. The BLM must ensure that all Visual requirements are met. The EA does not specifically analyze and ensure that this is the case.

Your assessment describes a one-time mechanical doze-and-seed reclamation strategy. This is not a satisfactory measure for steep slopes and you are well aware of that. Real restoration is an expensive and long-term process. Your assessment does not address that. Included here is a picture of road damage in the southern Sierra. The greatest visual impact is the line of the cut and the decoloration. Your reclamation plan does not address these impacts. The picture is taken from many miles away. The road is like the scar left by Zorro's sword in those old bad movies. Please don't perpetuate this kind of indifference to our lands.

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Your assessment still does not give us any figures for air pollution. The Great Basin Air Pollution District has been tracking the current mine for years now, with what result? We can see periodic clouds of dust rising from the mine. We can see the valley landscape shrouded with the mine-caused pollution. You indicate that the 24-hour air pollution threshold for PM-10 emission has been breeched by the Briggs Mine. You state that the district is not in attainment. How can you permit activities which will increase air pollution in a non-attainment district?

The EA admits that Canyon Resource's proposed alternative is expected to result in violation of the California Ambient Air Quality Standard (CAAQS) for PM10. Under FLPMA and the 43 CFR subpart 3809 regulations, as well as the Clean Air Act, the BLM cannot approve any activity that would result in any exceedence of state air quality standards. Thus, the BLM cannot approve Canyon's proposed drilling. The EA does not ensure that the mitigation measures will result in a condition that will never result in a CAAQS violation (which it must do).

Related to the CAAQS exceedence for PM10, the BLM must fully analyze an alternative of exploration that does not result in CAAQS exceedence. For example, the alternative of no off-road activity, including no helicopter access off-road, must be reviewed. Due to the CAAQS problem, the BLM must specifically quantify the extent of additional PM10 that the proposed project will generate. Vague statements that PM10 emissions will increase are insufficient under NEPA.

Your assessment does not give us any information of the status of current reclamation progress by this company at the Briggs Mine. You have numerous reports available. Are they performing? Will they likely be able to perform in the future? Each year Canyon is to report to you on their reclamation efforts under the current plan. Why aren't we given some data here. The company is in serious financial trouble and more than a bond is at stake. A full EIS would give a more complete picture of whether compliance could be expected.

The EA states that you have agreed to a figure of \$200,000 as a reclamation bond for the 100 acres they may disrupt. How was this arrived at? Some years ago I know that in road reclamation work for the forest service in the Coast range a figure of \$15,000 a mile was considered reasonable. If we are to have up to 40 miles of roads here why shouldn't the

bond be at least 40 times \$15,000 or \$600,000?

Only in the closed world of mining could 20 to 40 miles of roads in a critical viewshed with partial restoration ever be considered not a significant impact. Please stand back and look at yourselves. This doesn't make sense!

Lets take the time for a full EIS here. Now is not the time to rip and tear. Lets really scratch our heads on this one. Any damage is right on the wall and it won't go away with anti-graffiti spray. We will all be stuck with it.

Desert Survivors considers this particular mining process to this particular area of public land as "undue degradation." We urge you to proceed slowly and deliberately with the knowledge that many people from all over the country and the world (yes, the world) who have experienced the Panamint Valley Landscape as it currently exists are or will be horrified by the proposed destruction this EA envisions.

We need more information here, you need the added information and the Panamint Valley needs greater consideration then you have so far given. Lets get started on that EIS!

Our letter on the first EA was incorrectly attributed as a personal letter from Steve Tabor. Both that letter and this represent the opinion of Desert Survivors Please incorporate by reference both our letters and the letters from Tom Budlong as reflecting our sentiments.

Thanks for your attention. If you have any questions, feel free to contact us.

Steve Tabor, President
Board Member at Large

Bob Ellis,

Desert Survivors
P.O. Box 20991
Oakland, CA 94620-0991 (510) 525-8742



**Gear Grinders
4 Wheel Drive Club, Inc.**
P.O. Box 32
Ridgecrest, CA 93556

3

November 5, 2002

Randy Porter
Bureau of Land Management
300 S. Richmond Road
Ridgecrest, Ca. 93555

RE: CECIL R. JACKSON REVISED ENVIRONMENTAL ASSESSMENT

Mr. Porter:

The referenced document is a government document covering the Cecil R. Jackson Exploration Plan of Operation. This document has been approved and signed off by the BLM. The Gear Grinders 4 Wheel Drive Club is of the opinion that this project shall proceed. Comments concerning the C.R. Briggs project are as follows.

- Access to South Park Canyon shall not be denied. If exploration road does prevent access on the existing South Park Canyon road, a suitable by pass shall be constructed.
- Item 9 on page 2 does not allow an employee to camp on the site. In the event of continuing vandalism, an employee should be allowed to camp on site and protect the equipment.
- According to this document, C. R. Briggs will be required to rehab all the roads that they build for their exploration project. We request the public be allowed to review the roads and if suitable, recommend a road(s) be left open for diverse recreation.

Gold is essential to today's electronics industry. We should develop our own resources rather than be dependent on foreign nations.

Sincerely,

Curtis Martin
President

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2002 NOV -7 PM 1:57
BLM AREA
RIDGECREST
CA

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**Great
Basin
Mine
Watch**

1 Booth Street
Reno, NV 89509

phone 775-348-1986
fax 413-521-4726
tom@greatbasinminewatch.org
www.greatbasinminewatch.org

Board of Directors

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Bozeman, MT

Staff

Tom Myers, Ph.D.
Director

Karel Malloy
Program Associate

Christie Whiteside
Program Associate

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MANAGEMENT

November 5, 2002

2002 NOV -8 PM 12: 02
Mr. Randy Porter
Bureau of Land Management
300 South Richmond Road
Ridgecrest, CA 93555

(4)

Re: CR Briggs Mine Exploration Proposal EA Number CA-650-2002-082

Dear Mr. Porter:

Thank you for this opportunity to review the revised environmental assessment (EA) for the proposed exploration. Also, thank you for revising the original EA. However, we do not find that the BLM has adequately considered our comments or those of many other people and organizations that commented on the first EA. Just a quick glance at the reprinted letter filed by GBMW shows that most of the text is not included in the responses. For this reason, and to avoid repetition in this letter, we hereby reiterate and reincorporate the comments from our previous letter which was dated July 8, 2002 and received by the BLM July 26, 2002. The comments provided below are either new issues or a discussion of the BLM's responses to our previous comments.

We would also like to incorporate by reference herein all comments filed by Mr. Tom Budlong on both versions of the EA. Tom Budlong is a member of Great Basin Mine Watch. For the record, the following commenters on the first EA are also either individual or organizational members of GBMW:

Sierra Club Southern Nevada Group
Sierra Club Range of Light Group
Desert Survivors
Bob Ellis
Harriet Allen
Mark Saylor
Howard Wilshire

Also, thank you for responding to our Freedom of Information Act request in a timely fashion. Some of the comments below are informed by the information obtained in that request.

Specifically, we reiterate our call for a full EIS of the potential cumulative effects of this project which include the potential for a mine to be built at the site. The fact that CR has acknowledged the discovery of a gold resource at in the region and has plans for several phases of drilling indicates that they know there is a future project at the site. Additionally, their web pag indicates to their potential investors that there is a future mine here as well. While we agree there is no assurance that a project will occur, there does seem to be a high probability. EA Comments and Responses, page 4. The future mine requires this project, therefore the future mine possibility deserves more discussion than provided on EA, page 30.

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Every truth passes through three stages before it is recognized. In the first, it is ridiculed. In the second, it is opposed. In the third, it is regarded as self-evident. Schopenhauer

CR Briggs Mine Exploration Proposal EA Number CA-650-2002-082
November 5, 2002

Page 2

Whether the BLM accepts that they must analyze the reasonably foreseeable actions of a future mines, the impacts documented within the EA are clearly significant. Impacts to visual resources, Native American values, and potentially groundwater, air quality, and bighorn sheep are significant for reasons discussed below or submitted for the previous EA. For this reason, the BLM must complete an EIS on the proposed exploration. Also, as will be discussed, the BLM has not even adequately described the proposed project so that significance can be determined.

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The proposed project violates all standards of environmental justice.

The BLM acknowledges there is no way to mitigate the concerns that the Timbisha Shoshone have about the Briggs Mine and this exploration will have with regard to destroying a sacred landscape. It is hard to explain it better than the BLM did in their discussion of impacts to Native American Values.

The Timbisha Shoshone who were consulted feel that a sacred place (the Panamint Mountains) is being desecrated by the ongoing activity at the Briggs Mine and that approval of additional exploration would increase the level of desecration. At least one member complained that great attention is given to habitat for animal species (such as bats) than to the habitat of the Shoshone people. They feel that their values are not respected and that this reflects an attitude of disrespect toward them... it has become evident that many Native Americans feel genuine and great emotional and psychological pain when permitted actions affect places that are of importance to them. EA, page 24.

There is little that we can add to express the inappropriateness of this project to the Native American values that exist in this mountain range other than to point out that this clearly represents a significant impact to a value for which the BLM is responsible when approving a project.

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The description of phases does not adequately describe the project.

It appears from the description that Canyon Resources (CR) proposes three phases of exploration at each of two locations and a fourth phase at a completely different site that is not described in the EA. The EA only describes the drilling and road building for Phase 1 at each of the two locations. Phase 4 is being proposed as well but no location has been provided. Approving a FONSI for this project would be illegal because the EA has not even described most of what is being proposed.

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The BLM cannot approve phases beyond those analyzed in the EA with a decision record based on this EA.

At the Cecil R area, Phase 1, described in this EA, would consist of drilling "approximately 25 holes". EA, page 10. **Currently planned holes** are shown on Figure 3..." Id., emphasis added. These holes and associated roads (described as minimal) are the total extent known and described in this EA.

Phase CR2 would require the building of additional drill accesses **outside the phase CR1 area**. The number of holes in this phase is **unknown** and would depend on continued success. Phase CR3 of the drilling program would be entirely dependent on the success of phase CR2 and would include step out drilling and infill drilling to further define the mineralization. The extent of road

CR Briggs Mine Exploration Proposal EA Number CA-650-2002-082
November 5, 2002

Page 3

construction would be dependent on the extent of infill and step-out drilling. EA, page 11, emphases added.

Thus, phase 2 is in an area outside the area being analyzed here and shown in Figure 3, but it is presumably adjacent to it. Then, the phase 3 drilling just increases the density of holes.

The description of the Jackson area plan suggests that the EA should include a better description of the fully phased drilling plan.

This phase (Phase 1) would test a strong, 1,500 ft long gold anomaly extending northward from an existing drill hole. This phase would consist of an initial 12 hole program. Hole locations have not been determined. The number of holes could vary. If phase J1 is successful, phase J2 would be initiated. *This phase would test down dip mineralization to the west of the phase J1 area, and and (sic) also test a northern extension of mineralization where the bedrock is covered by alluvium.* Phase J3 would be entirely dependent on the success of phase J2 and would include step out drilling and infill drilling to further define mineralization. EA, page 11, emphasis added.

As highlighted, CR and the BLM understands the future direction of drilling at the Jackson area. This EA must include these descriptions to determine whether the impacts are significant or not.

Finally, Phase 4, seemingly approved in this EA, includes an area far from the analyzed area. "Phase 4 of the program could include drilling in other target areas, away from the two immediate targets." EA, page 11. The public does not even know where drilling is being approved with this description. "This phase currently exists as a concept only, but would comply with the conditions of the plan of operations." Id. Thus, at the sole discretion of CR, they may begin drilling in some unknown location without the public being informed and without the actual impacts being analyzed. Presumably, this will be the Nostradamus Project, but this has not been disclosed in the EA.

In response 5, the BLM indicates that phasing the project and analyzing all phases in one EA will increase "agency work loads, and would be subject to complaints about piecemealing of the exploration project". EA Comments and Response, page 2. That is true, but an EA that discusses speculative phases that are poorly defined is worse than piecemealing the project.

Future phases will significantly increase the impacts over the phase 1 drilling. For these reasons, the BLM should set decision rules as to whether these phases are necessary. This would be similar to the validity exams that the BLM performs in certain areas prior to allowing mining.

Phase 3 drilling clearly represents drilling for the design of a mine and should be preceded with a full EIS.

It is still the opinion of Great Basin Mine Watch that an EIS is required before approving any of this project. However, the descriptions of Phase 3 drilling at the two locations are that they are clearly intended to define the shape of the mineralization and not just to discover whether they have a mineable ore body. At this point, the BLM should require additional analysis and the preparation of an EIS.

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CR Briggs Mine Exploration Proposal EA Number CA-650-2002-082
November 5, 2002

Page 4

Figures 3 and 4 are misleading to the public and misrepresent the proposal being analyzed herein.

As described in the preceding paragraphs, Figures 3 and 4 show only the Phase 1 of exploration at each location. This misleads the casual observer into believing that only a few roads and holes are being proposed. The figures underestimate the significance of the project.

The reclamation plan is inadequate for this project.

The reclamation plan described in Chapter 2 is not very detailed and the added mitigation descriptions in Chapter 4 are not very helpful. The cursory description of reconstructing roads by reaching "down the hill to the retrieve side case material (sic)" is not adequate for steep areas. Figure 4 shows that roads will be built in an area with a gradient of about 5:4 (almost 400 feet of relief in 500 horizontal feet). The EA should include a cross section showing both the road construction and the act of reclamation. The cut on the side on the uphill side of the road will be half the road width. On the downhill side, there will not be sufficient material with sufficient geotechnical strength (compressive strength to support vehicular traffic) to build up the road. Thus, it seems that the road will have to cut more well more than half of the road. Short of dumping it down the side of the mountain, there is no indication of where CR will place the material. There is also topographically no place to put the material because it will not be possible to place the material on a 1:1 sideslope.

In order to sufficiently re-establish pre-existing drainages, CR should be required to survey the cross-section of the stream. Hydrologically, imposing an inappropriate cross-section will cause a geomorphic threshold which would cause erosion and sedimentation to move upstream. See also the letter from the California Department of Fish and Game (CDFG) letter number 1) describing the need for a Streambed Alteration Agreement. This requirement should have been included as mitigation in Chapter 4 (EA, page 22).

One amendment to the proposal is also needed. The BLM states that "[o]verland drill routes would be reclaimed by ripping to relieve compaction." EA, page 10. Presumably, this includes the routes taken by the large tired, off-road vehicles. The BLM should assess the damage caused by these vehicle prior to ripping the routes because the ripping could cause more damage.

CR should be required to perform concurrent reclamation; rather, the EA indicates that reclamation "will be initiated no later than 18 months following the completion of exploration." EA, page 10. It is common for a well run mine in Nevada to begin reclamation immediately once a disturbed area will no longer be disturbed. This would be advisable here, but it appears that CR will be allowed to wait until they determine whether a mine will be built. Id. Unless there is adequate protection for the stockpiles from erosion, reclamation begun 18 months after exploration ends will be more likely to fail.

The reclamation bond is inadequately described and is insufficient to assure reclamation of the disturbance proposed in this project.

The EA indicates that the proposed financial assurance for the exploration project is \$202,465. EA, page 20. Without any discussion in the EA concerning the determination of this amount, the public cannot adequately assess its adequacy. We note also that the plan of operations for the exploration plan obtained

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CR Briggs Mine Exploration Proposal EA Number CA-650-2002-082
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Page 5

by the FOLA mentioned above provides no additional discussion on bond amounts¹. (We also note that the description of reclamation in that plan is no more detailed than provided in this EA.)

It is unlikely that the financial assurance amount is sufficient for the following reasons:

1. The roads in steep areas will be more challenging to reclaim than expected. The EA treats the reclamation as standard when the construction will have to be extensive. The fact that the roads in steep areas will be wider adds to this concern. EA Comments and Responses, page 1. The fact that the locations are also unknown indicates that the dimensions and the proportion of steep roads has not been included. Id.
2. The BLM indicates that CR may have to reclaim some of the existing drill roads. EA, page 10 and 26. It is not possible to estimate these costs unless it has been decided to reclaim these roads. Clearly, if CR uses them, they should be reclaimed.
3. Without knowing the number of drill holes, it is not possible to know the costs associated with reclaiming. If bentonite is to be used to seal sections that produce water, it is essential to identify the source of the clay and the costs associated with getting it to the site (including any reclamation that may be needed at a borrow site). See the next comment.
4. At various points in the document, the BLM refers to monitoring the reclamation for ten years. It is essential that the bond include funding for this monitoring and funding to fix any problems. It may be that the BLM must inform CR that much of the bond will not be released for at least ten years after the exploration has been reclaimed to assure that there will not be a failure of the reclamation in the future.

The proposed mitigation for groundwater resources is insufficient to protect groundwater in the area.

There is no provision for preventing cross-contamination of aquifer layers if groundwater is located. If one aquifer layer has high concentrations of naturally occurring or human (Briggs) induced contaminants, the drilling would establish a connection between the layers. Plugging the holes, if not done immediately, would not prevent the contamination. Stating that it will be done "in accordance with BLM and California standards" is insufficient and does not prevent the contamination or provide the reader with any real information.

Also, there is no provision to protect springs in the area should the exploration holes encounter pressurized aquifer layers that are connected with springs. Encountering such aquifers could quickly dewater them and cause the springs to stop flowing or suffer much reduced flow. Also, note that the EA

¹Cecil R - Jackson Exploration: Plan of Operation, Submitted to U.S. Dept. of the Interior, Bureau of Land Management, Ridgecrest Resource Area, 300 S. Richmond Road, Ridgecrest, CA. Submitted by CR Briggs Corporation, Trona, CA.

CR Briggs Mine Exploration Proposal EA Number CA-650-2002-082
November 5, 2002

Page 6

does not provide a survey of springs. It is not possible to assess whether the impacts are significant if there is not even a survey of the existing resource.

Also, note that there is not any added discussion of bedrock groundwater that we requested in our previous comments (BLM response 33). The response relies on the conceptual model from the Briggs Mine EA and the fact that exploration drilling for the Briggs Mine did not "encounter ground water in the upland bedrock areas". EA Comments and Response, page 8. This project is 2 miles away from the Briggs Mine. Groundwater would be found in fractures, as noted in the EA on page 15. Groundwater elevations vary substantially across short distances in fractured rock².

The EA also implies there will be no water in the bedrock because it is above the valley floor and because, as mentioned above, it was not found at the mine. Water in bedrock occurs at variable levels. The EA provides no information about the depth of the exploration holes, therefore there is no way to actually assess whether groundwater will be reached or not. The BLM must consider the depth of the holes before concluding there will be no water reached.

The BLM may not permit a project that will violate air quality standards.

The EA admits that the area is in non-attainment for PM10 under the California Ambient Air Quality Standard (CAAQS). EA, page 13. The BLM admits that both the proposed action and the helicopter access option "would cause emission of fine dust (PM10) from traffic and from drilling activities". EA, page 20. Under FLPMA and the 43 CFR subpart 3809 regulations, as well as the Clean Air Act, the BLM cannot approve any activity that would result in any exceedance of state air quality standards. The EA does not ensure that the mitigation measures will result in a condition that will never result in a CAAQS violation (which it must do).

Due to the CAAQS problem, the BLM must specifically quantify the extent of additional PM10 that the proposed project will generate. Vague statements that PM10 emissions will increase are insufficient under NEPA.

Finally, the EA does not complete a prevention of significant deterioration increment analysis nor even discuss whether the baseline date has been triggered for this region. This is essential for any assessment of significance.

The EA inadequately analyzes the visual impacts of the project.

This proposed project could cause substantially degraded views of the Panamint Range north of the existing mine. While excellent reclamation in the long run may actually improve the view if old drill roads are reclaimed (and no mine is built), this is not the record of the industry in the Great Basin. The facts of this exploration suggest that visual resources will be degraded for decades. Specifically, the

²The author of this letter has observed two historic mine shafts just 100 feet apart where one had water within 30 feet of the ground surface and the other was dry for at least 500 feet.

CR Briggs Mine Exploration Proposal EA Number CA-650-2002-082
November 5, 2002

Page 7

roads in the steep Jackson area will require very substantial cuts. Without adequate reclamation, these cuts will be visible for decades. See the discussion above about road reclamation.

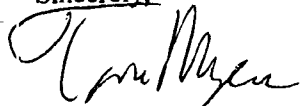
Also, the analysis of the impacts to visual resources are insufficient. It is not possible to know whether the impacts of this project are significant unless photographic views of the project site from various points, including the road to Trona and the Ballarat road, are enhanced to show the effects of the exploration (and future mine).

The BLM must require CR to employ an archaeologist and a wildlife biologist to survey the areas prior to disturbance.

The proposed action states that "CR Briggs would avoid critical natural resources...including archaeological sites and BLM sensitive (wildlife) species." EA, page 9. It further guarantees that the drilling will be at least 500 feet from an Townsend's big-eared bat habitat during habitation season. This cannot be guaranteed unless the decision record includes a requirement that CR employ qualified people to perform the needed surveys.

Thank you for considering our comments.

Sincerely,



Tom Myers, Ph.D.
Executive Director

cc

Timbisha Shoshone
Western Mining Action Project

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**IMC Chemicals**

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BUREAU OF LAND MANAGEMENT

2002 NOV -8 PM 1:58

RIDGECREST RESOURCE AREA
RIDGECREST, CA.

IMC Chemicals Inc.

P.O. Box 367

Trona, California 93592-0367

Hector Villalobos *noted HAN 11/08/02*
Ridgecrest Area Field Manager
300 South Richmond Road
Ridgecrest, CA 93555

RE: Briggs Mine Proposed Cecil R. - Jackson Exploration Plan of Operation

Dear Mr. Villalobos:

I wish to commend the efforts of the Bureau of Land Management and Briggs Mine for producing a thorough and well contemplated environmental assessment and plan of exploration.

As you are aware, exploration is conducted frequently across the United States, and with appropriate care as represented by the Briggs proposal, environmental impacts are negligible. It appears that some comments to date concerning the Briggs proposal have the incorrect impression that exploration must be as intrusive and permanent as an operating mine. Clearly, the Briggs document presents a contemporary approach that allows adequate access and mineral investigation with minimal lasting effect on our valuable desert resources.

Briggs Mine has proven to be a responsible corporate citizen and a valuable economic resource to Searles Valley and surrounding communities. Their contribution to jobs and community has been exemplary. IMC Chemicals wishes to make an unqualified endorsement of Briggs Mine's technical integrity and proposed exploration effort.

Sincerely,

Arzell Hale
Executive Director, IMC Chemicals
Trona, California

(6)

Lands Committee
Searles Valley Municipal Advisory Council
83732 Trona Road
Trona, CA 93562

Searles Valley Municipal Advisory Council

November 7, 2002

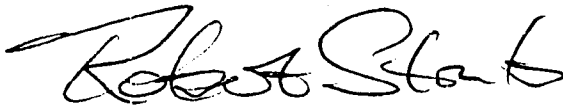
Mr. Randy Porter
Bureau of Land Management
Ridgecrest Resource Area
300 S. Richmond Road
Ridgecrest, CA 93555

Dear Sir:

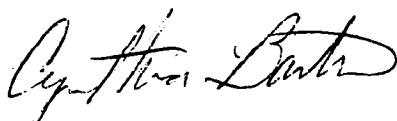
The Lands Committee of the Searles Valley Municipal Advisory Council supports the environmental assessment (EA) document covering exploration activities proposed by CR Briggs Corporation in the Cecil R- Jackson area of the Panamint Mountains. It is critical to desert communities that multiple use remain as a key element in the administration of open federal lands in the California Desert Conservation Area. Mining and mineral exploration have been a life-blood of Searles Valley communities since their beginning. We consider continued exploration for and production of minerals to be critical to the diversity and therefore to the welfare of desert economies. We support mining that is conducted in a responsible and environmentally sound manner.

CR Briggs Corporation has conducted their mining operations in the Panamint Mountains responsibly and in accordance with permit stipulations. We have reviewed the EA and find it to adequately consider potential effects of the proposed activities. In our opinion, an EIS would be beyond the scope of this exploration proposal and is not needed at this time.

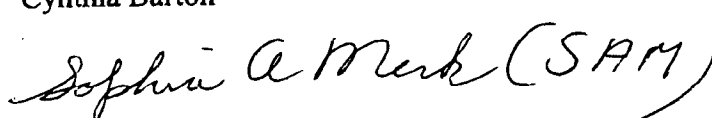
Respectfully,



Robert Strub
Chairman
for the
Lands Committee, SVMAC



Cynthia Barton



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(7)

2002 NOV 12 PM 2:31

RIDGECREST RESOURCE AREA
RIDGECREST, CA.

OWENS PEAK GROUP

KERN KAWEAH CHAPTER

SIERRA CLUB

Post Office Box 1569, Ridgecrest, CA 93556

Nov. 2, 2002

Dear Mr. Villalobos,

noted HAV 11/12/02

This is to thank you for extending the comment period for the Cecil R - Jackson Revised EA. We also thank Lynn Gum for his helpful presentation.

We still have grave concerns about the project. The impact on the view and on the night sky cannot really be mitigated. We still urge you to do an EIS for an endeavor of this magnitude. The impact of the roads and heavy equipment would be major -- dust, soil, biota, view and sky are only a few of our concerns. Any new roads or reclaimed roads should be closed and entrances disguised later. Even then we regret the disturbance to a beloved area.

Best,
*Jeanie L. Hays*Jeanie Hays
Conservation Chair5
15

Range of Light Group, Toiyabe Chapter, Sierra Club, Inyo and Mono Counties, P. O. Box 1975, Mammoth
Lakes, CA 93546 Nov. 6, 2002
- Cecil R - Jackson Proposal

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2002 NOV 2 PM 2:47

RIDGECREST RESOURCE AREA
RIDGECREST, CA.

Notes HAW 11/12/02
(8)

November 6, 2002

Mr. Randy Porter
Bureau of Land Management
300 S. Richmond Road
Ridgecrest, CA 93555

Dear Mr. Porter,

On behalf of the Sierra Club Range of Light Group, Toiyabe Chapter, I submit the following comments on the Revised Environmental Assessment for the Cecil R - Jackson Revised Environmental Assessment.

The Range of Light Group finds the Revised Environmental Assessment (EA) inadequate in addressing the many environmental concerns of this proposed exploration project. The revised EA certainly does not address the concerns of the Timbisha Tribe who hold the Panamint Range sacred.

The Group believes that the effects of this exploration and the likelihood that the exploration will lead to an extension of mining in the area will have an impact on Death Valley National Park and the adjacent wilderness area. These potential impacts were not seriously considered in the EA or the Revised EA. Although the EA states that the BLM cannot foresee that this exploration will result in mining activity, Canyon Resources indicate that they pursue exploration with the intent and expectation of mining. As they already have a mine in the area, the Briggs mine, they have evidence that the minerals they seek are present.

The BLM must consider the cumulative impacts of mining activities in the Panamint Range and has not done so in the Revised EA.

Although the Revised EA is somewhat an improvement over the original EA, it still does not address many of the concerns stated in comment letters. For this reason, the Range of Light Group asks the Bureau of Land Management adopt the "No Action" alternative.

Please consider that a bill that would have prevented this exploration and more mines in the Panamint Range was passed by the California legislature and a bill with a similar provision has been introduced into the U. S. Senate. Many American people are

I 20

Range of Light Group, Toiyabe Chapter, Sierra Club, Nov. 6, 2002
page 2 - Cecil R - Jackson Proposal

concerned about the results of mining activities which have left many streams and lands polluted by heavy metals and permanent scars on the landscape.

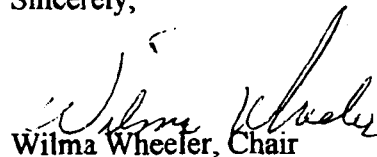
The visual impacts of the exploration will be significant and can't be mitigated fully. The helicopter supported drilling would be preferable in that the visual and other impacts would be less. Since this method is very expensive, it is doubtful that Canyon Resources could afford it. On their website, Canyon Resources states that it has only about \$500,000 in cash resources.

The Range of Light Group is concerned that the proponent Canyon Resources does not have adequate resources and financial reserves. The company lists the Briggs mine as being their only income source. If Canyon Resources should declare bankruptcy, what would become of any reclamation or mitigation of this site? American taxpayers have spent millions of dollars cleaning up mining operations that should have been the responsibility of the mining companies. The BLM has an obligation to ensure that this does not happen with this proposal.

The BLM also has an obligation to ensure that the scenic values of this fragile desert land are preserved and protected. Death Valley National Park is a national treasure and its value far exceeds that of any gold or other precious metal that may be present in the Panamint Range. The Wilderness Areas and potential Wilderness Areas near the proposed exploration site must also be protected. This public land belongs to all of the American people and their interests do outweigh those of any one mining company. The concerns of the Timbisha people must be considered.

Thank you for the opportunity to comment.

Sincerely,



Wilma Wheeler, Chair
Range of Light Group, Toiyabe Chapter
Sierra Club

cc: Mr. H. Villalobos

I 2

Sat, Nov 9, 2002 12:58 PM

From: Stan Haye <adit@ridgenet.net>
To: <randyporter@ca.blm.gov>
Cc: <adit@ridgenet.net>
Date: Wednesday, November 6, 2002 4:54 PM
Subject: Cecil R - Jackson Revised EA

9

RECEIVED
BUREAU OF LAND MANAGEMENT
2002 NOV 12 PM 2:32
RIDGECREST RESOURCE AREA
RIDGECREST, CA.

Dear Sir:

noted Stan 11/12/02

We believe that an Environmental Impact Report is needed for this project, for the following reasons:

1. All of the impacts of the project cannot be mitigated to less than a significant impact, therefore an EA, and a Finding of No Significant Impact (FONSI) is not allowed.
2. Exploration alternatives less damaging to the environment must be analyzed, such as slant drilling from fewer pads and helicopter access.
3. This project is simply too large and too potentially environmentally damaging to be appropriately analyzed in an EA.
4. There is significant public controversy regarding the project.

Thanks for considering this.

Sincerely,

Stan Haye

Stan Haye
Chair, Sierra Club CNRCC Mining Committee
230 Larkspur St.
Ridgecrest, CA 93555

5

29



"doug%psbs.com"
<doug@psbs.com>

10/22/02 08:06 AM

To: <Randy_Porter@ca.blm.gov>
cc:
Subject: Cecil R-Jackson Mining

10

Dear Mr. Porter,
I have just recived your letter regarding the revised EA for the proposed Cecil R-Jackson mineral exploration project in the Panamint Mountains. The letter states comments are due November 8 2002. The letter you sent was dated October 4, 2002 and post marked October 18, 2002. I recived the letter on 21 October 2002. That is seventeen days of delay. This is an important project with many impacts. I am requesting from the BLM an extention for comments for this project. If this is not possible, then an explanation from the BLM as to why the public comment was reduced by delay in mailing. Respectfully,
Doug Allen

30
31

3750 El Canto Drive
Spring Valley, CA 91977
November 6, 2001

Amended HML 11/12/02
(11)
Hector Villalobos
Bureau of Land Management
300 South Richmond Road
Ridgecrest, CA 93555

Re: Cecil R - Jackson Revised EA

Thank you for the opportunity to comment on the Revised EA for CACA-42806

The Mitigation Measures listed on pages 1,2,3 of the document and subsequent pages do not appear to address the full details of issues raised by those who reviewed and commented on the original E.A. I was disturbed by the BLM response found in Section 10 of Appendix A, page 4: The BLM finds (1) new mines are not probable, (2) results of exploration are unknown, (3) BLM is not required to speculate about the future. I find this a sad day for heirs and resources, though it seems to be decreed by law.

Of personal concern is the conflicting wording relative to reclamation:

Page 2, Item 15 of Proposed Mitigation

Page 10, ¶3 of Introduction

Page 11 of Introduction relative to the Four Phases of Exploration

The Sections on re-seeding and reclamation (restoration should be the criteria) should be more thoroughly explored; Criteria for revegetation should be reviewed and clarified; re-seeding is commendable but the use of planting techniques for nursery and soil-stabilizing should be analyzed for each area, and re-seeding several times in cases of failure must be considered (one "try" is inadequate).

I appreciate the complicated and conflicting mandates which the Ridgecrest Field Office faces: Congressional mandates to bring in more money for the General Fund, but do it with diminishing budgets and increasing demands. Ridgecrest deserves our best efforts to sort out strategies and "our 'druthers" for long-term decisions that are acceptable to Interior, the users and future generations.

Please keep me on the mailing lists for Record of Decision.

Respectfully submitted,

Harriet Allen
Harriet Allen



George Barnes
<ggared@att.net>

11/02/02 11:50 AM
Please respond to
ggared

To: Randy Porter <Randy_Porter@ca.blm.gov>
cc: Hector Villalobos <Hector_Villalobos@ca.blm.gov>
Subject: Comments on Cecil R - Jackson Revised EA

12

Randy Porter
Bureau of Land Management
300 S. Richmond Road
Ridgecrest, CA 93555

1 November 2002

Re: REA for Cecil R - Jackson Exploration Plan of Operations,
EA CA-650-2002-082, CACA 42806, October 4, 2002

Dear Mr. Porter:

Again, as with the original EA, the maps provided are inadequate to allow detailed comment on the effects of the action alternatives because their locations are not identifiable. Maps of the following areas are missing:

- Nostradamus
- Cecil R Phase 2
- Cecil R Phase 3
- Jackson Phase 2
- Jackson Phase 3
- Phase 4.

In addition, on page 11 it is stated that Jackson Phase 1 would consist of an initial 12 hole program but Figure 4, Jackson Phase 1 Map, shows only six holes.

Comments on the original EA show there is sufficient controversy on this exploration proposal that I believe an EIS is required under NEPA for the exploration project alone.

George Barnes

33

34

BUREAU RECEIVED
MANAGEMENT

2002 OCT 28 PM 2:45

October 24, 2002

RIDGECREST DESERT
RIDGECREST, CABUREAU AREA
CA

13

Randy Porter
Bureau of Land Management
300 S Richmond Road
Ridgecrest, CA 93555

Dear Sir,

I'm writing to comment on the revised Environmental Assessment for the Cecil R Jackson mine exploration, north of their existing Canyon Resources Briggs site. Earlier this year I hiked up Telescope Peak via Tuber Canyon with other Desert Survivor members and was impressed with the wilderness values there, including the rare Panamint daisies. Canyon Resources, according to their own website, indicate the desire to increase the mining activity in the Panamints. According to the graphical illustrations produced by Bob Ellis

(<http://home.earthlink.net/~bobellisds/BriggsMine/PanamintValleyMainPage.htm>) the new exploration would significantly impact currently pristine areas of the Panamints. Although the EA documents on the BLM site have lots of information, I could not find maps of the proposed new roads. I also would reiterate concern mentioned in the Department of Fish and Game letter that this area is sensitive environment for desert bighorn sheep and Townsend's big-eared bat.

Thank you for the consideration.

Sincerely,

Paul Brickett

Paul Brickett
509 Hull Ave.
San Jose, CA 95125

33



Lynne Buckner
<lynne@ithaca.com>

10/29/02 07:58 AM

To: rporter@ca.blm.gov
cc:

Subject: Briggs Mine

14

To Whom It May Concern,

I have recently become aware of the Cecil R. Jackson Exploration issue and am writing to let you know about my concerns.

I have spent a lot of time in the area exploring Surprise Canyon, Panamint City, and Pleasant Canyon on backpack trips. I have climbed Sentinel Peak, Porter Peak and Argus Peak and marveled at the views. I have visited with the miners, Charles and Rocky Novak at the mouth of Surprise and enjoyed dinner with them. I have spent time at the Ballarat store sipping on cold drinks after days in the Panamint back county. I tried to remember and later photograph the rugged mountains and snaking canyons before returning to the city in which I live. It is the view of the Panamints in the setting sun from the intersection of the Ballarat and the Trona-Wildrose road that is burned in my memory and sustains me in hectic days as a registered nurse in a busy urban medical center. I thought that the expansion of Death Valley National Park had permanently protected the Panamints from intrusion by the commercial interests that seek to make a quick dollar by degrading our public lands. I was also hoping that the current mining activity marring the lower slopes and views from Ballarat (not to mention the loud trucks midweek) would stop. Apparently not!

I recently became aware of the cultural history of the area in terms of the old Briggs mining site and cabin as well as the dry waterfall that has already been destroyed that has historical significance (the Manly rescue). I am concerned about further impact on this area in terms of culture, history and tourism. In terms of long term trends, domestic tourism and service industries are increasing and commodities and heavy industry are decreasing. Towns like Trona possibly have more to gain from an increase in tourism than they do from industry. By maintaining important cultural and scenic resources, future long term benefits could accrue to the local community specifically and tourists in general.

Please exercise your long term duty to the American public and stop the Cecil R. Jackson Exploration now!

Sincerely,

Lynne Buckner
67 Wool Street
San Francisco, CA 94110

BUREAU RECEIVED AGENT

15
October 24, 2002

2002 NOV -1 PM 2:35

2231 Kelton Avenue
Los Angeles, CA 90064Mr. Randy Porter
Bureau of Land Management
300 S. Richmond Road
Ridgecrest, CA 93555

Dear Mr. Porter:

I am writing in response to the revised Environmental Assessment which has been prepared for the Cecil R. - Jackson Exploration eight miles south of Ballarat, on the Wingate Road, in the Panamint Valley. I believe that this EA is incomplete in several significant respects and urge you to consider these comments. Three significant omissions are in the areas of (1) impact on animals, (2) visual resources, and (3) cumulative effects.

- (1) In paragraph 3.7.1 of the revised EA it is stated that "BLM, Death Valley National Park, California Fish and Game, and CR Briggs sponsored a three-year study of the effects of the Briggs Mine on bighorn sheep. The study (not released) showed no significant impact from the mining operation." Reference to a study which has not been released is a weak argument. Please, the study should be released and subject to scrutiny before it can be quoted as support for any position regarding the proposed action. If public documents are not provided, it would be possible for Canyon Resources to quote any source whatsoever to justify any conceivable endeavor.
- (2) Paragraph 4.10.2 argues: "it is likely that roads would not be visible in the distal view." It is then asserted that "new road construction would be reduced by but not eliminated by reclamation."

The present location of the Briggs mine is sufficiently far south that drivers entering the Panamint Valley from Trona are not immediately aware of presence of the mine. The new area which is proposed for exploration is significantly farther to the north and will be quite visible to those driving north into the Panamint Valley. I was recently in the area of Conglomerate Mesa which was explored by BHP for mineral resources. The roads which were used for this exploration were then reclaimed approximately two years ago. The process of reclamation is exactly the one proposed for the Cecil Jackson project: replacement of the dirt cast aside by the use of a backhoe. Where the roads on Conglomerate Mesa were constructed on dirt, the reclamation was rather successful in my opinion. Where the roads were constructed on steeper rock faces, the scars remain glaringly visible two years later. Where weathered rock was removed to create the roads, it has been replaced by dirt of quite another color. There is no way that the landscape can be restored in less than a hundred years. The scars are visible for many miles.

The Panamint Valley is a wonderful desert resource for recreational visitors. It is a pristine valley and its vistas ought not be marred for short term ends.

- (3) Paragraph 4.15 is concerned with cumulative impacts and paragraph 4.15.15 is specifically concerned with "Possible Future Mine Development." The assessment asserts: "Lacking specifics, any attempt at a more detailed analysis of the impacts of a potential future mine development project would be speculative and inappropriate." This statement seems to be extraordinarily short sighted.

It is stated by Canyon Resources in its website that they hope to develop a working mine as a result of their exploration. The specific details of such a development can not be known in advance, but to assert that there would be no significant impact from such a development can not be supported. A mine which is not visible, which does not require roads for access, and which is without possible consequences for ground water, wilderness values, or air quality does not exist. Future developments must, must be considered. It is highly likely that such development would be sufficiently significance that a full EIS should be carried out. At the very minimum, the existence of these impacts must be acknowledged in the EA.

I have driven through the Panamint Valley many, many times. I have led high school geology classes on trips in the area and have led trips there for the Desert Survivors group. I have driven up Pleasant Canyon and Golar Wash on a number of occasions, and I have backpacked in Surprise Canyon, Happy Canyon, Jail and Hall Canyons, and Striped Butte Valley. The Panamint Mountains are a beautiful and special place. It is not appropriate that the scenic and wilderness values of the area should be compromised for the short term benefit of a relative few. I believe when the arguments given above are acknowledged, you will agree.

Sincerely,

Craig Deutsche

Craig Deutsche

3

Rec'd 11/08/02

16

Kelly Fuller
131 W. Ivy St.
San Diego, CA 92101

Mr. Randy Porter
Bureau of Land Management
300 S. Richmond Road
Ridgecrest, CA 93555

November 8, 2002

RE: Cecil R. Jackson Revised Environmental Assessment

Dear Mr. Porter:

I am writing to comment on the Cecil R. Jackson Revised Environmental Assessment. I am very concerned that if the exploration goes ahead, the visual beauty of the Panamint Mountains will be diminished.

This August I hiked up Telescope Peak, driving from San Diego to the Mahogany Flat campground in the Panamint Mountains, coming up Highway 395 and the Trona-Wildrose Road. North of Trona the road goes over a ridge and then drops down into the Panamint Valley. I drove it in the late afternoon, with the last of the sun full on the Panamint Mountains. With Trona's blighted industrial landscape just behind me, I was unprepared for the natural beauty of the Panamints. I had no idea how colorful and majestic they would be. It surprises me greatly that anyone would consider altering that view, especially when the potential economic gain from mining exploration is only temporary and the destruction, no matter how carefully mitigated, would be permanent. It saddens me that my niece might not be able to see what I saw, much less her children or her children's children.

For this reason, I urge the BLM not to permit the proposed exploration.

Sincerely yours,

Kelly Fuller

RECEIVED
BUREAU OF LAND MANAGEMENT

2002 OCT 3 PM 1:57

Derham Giuliani
P.O. Box 265
Big Pine, CA 93513
derhamgiuliani@lycos.com)
26 Oct 2002

Randy Porter
Bureau of Land Management
300 S Richmond Road
Ridgecrest, CA 93555

MANAGEMENT RESOURCE AREA
RIDGECREST, CA.

(17)

Re: Revised Briggs Exploration EA

Dear Sir:

I am very disturbed by the ongoing Briggs activities in the Panamint Mountains. As a field biologist, my main concerns are the scientific resources that may be lost in the process.

The Panamint Mountains are known to contain many rare and unique species; these are indicators that much more remains to be discovered. Environmental impact studies search for the small number of known & listed species, yet the greatest biological diversity is in the invertebrates that remain largely unstudied in this remote & rugged area of few roads.

A simple mine shaft for ore retrieval would cause little problem, but the Briggs mine involves complete destruction of large surface areas along with everything living there. The purpose of exploration is for more mines when ore is found, followed by more exploration. It is disheartening when an area of truly National Park status becomes exposed to such a process!

Sincerely,

Derham Giuliani

(18)

Hector Villalobos
Ridgecrest, area Field Manager
300 South Richmond Road
Ridgecrest, CA 93555

Re: Briggs Mine Proposal-Cecil R. Jackson Exploration Plan
of Operation

Dear Mr. Villalobos

I have looked over the Enviornmental Assessment for the exploration plan by C. R. Briggs and I support the proposed action of exploration. This plan considers safeguards and use for others in the future.

C. R. Briggs has provided jobs in both the Searles Valley and Indian Wells Vally areas.

I for one do not see why this exploration project cannot move forward.

Thank you.

Sincerely

Marydith Haughton
Marydith Haughton

RECEIVED
BUREAU OF LAND MANAGEMENT

2002 NOV 12 PM 2:22

RIDGECREST FIELD OFFICE
RIDGECREST, CA 93555Marc Meyer
1308 Alice Street
Davis, CA 95616
November 6, 2002

Noted Haw 11/12/02 (19)

Hector Villalobos
Ridgecrest Field Manager
Bureau of Land Management
300 S Richmond Road
Ridgecrest, CA 93555

Dear Mr. Villalobos:

I ask you to oppose the "Cecil R. - Jackson Exploration" project. I strongly believe that a complete Environmental Impact Statement should be written to fully analyze all potential harmful effects of new exploration and mining operations on the Panamint Valley near Death Valley National Park and the Surprise Canyon Wilderness Area. It is particularly important to me that your office examine the potential negative impacts of mining on this unique natural landscape. I also request that your office look into the wilderness suitability of this pristine natural area.

If allowed to proceed, Canyon Resources' exploration would permit the construction of approximately 30-50 miles of new roads and hundreds of drill pads into this panoramic scenic area, with no plans to restore them once exploration is complete. Recently "reclaimed" exploration roads in the Conglomerate Mesa area of the Inyo Mountains are now highly visible scars marring the mountainside. It would impact 3,000 acres ranging up to 3,000 feet elevation above the Panamint playa. Moreover, if new open pit cyanide gold mines follow the exploration, the mining operation would permanently ruin one of California's largest remaining natural landscapes. I join the Death Valley National Park officials that have objected to the proposed exploration and subsequent mining operations of the "Cecil R. - Jackson Exploration" project. Such a project will permanently scar the National Park's scenic western approach for the enjoyment of numerous outdoor recreationists, such as myself. It would also degrade habitat for Park plants and animals (including bighorn sheep), reduce regional air quality, and spread invasive weeds.

As a frequent visitor to the Panamint Valley and surrounding region, I ask you to oppose the Cecil R. - Jackson Exploration" project and ask for a complete Environmental Impact Statement on the effects of exploration and mining on the Panamint Valley.

Sincerely yours,

Marc Meyer

Marc Meyer

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37

RECEIVED
BUREAU OF LAND MANAGEMENT

2002 NOV -4 AM 9:23

RIDGECREST
RIDGE

SOURCE AREA
T. CAL.

November 2, 2002

20

Mr. Randy Porter
Bureau of Land Management
300 South Richmond Road
Ridgecrest, CA 93555-4436

Tony Morin
Space 23 Front
200 West Moyer Street
Ridgecrest, CA 93555-2641
(760) 446-8007 unlisted

Dear Mr. Porter:

I have read the newspaper of Oct. 30, and the report that the BLM have put out in the CR Briggs reports. My comments are that the people who like to pick on the companies that are trying to give jobs to people and there are people who are trying to kick there ass to the CR Briggs Company.

If the BLM had done there job in the first place all this wouldn't happen. Rules are rules, but when you are on the job digging for minerals, so that the ground gets move and things have been done wrong so what? That is the way that you dig for minerals all go on. So some people don't like to what CR Briggs is doing with the land.

I should thing that best thing is let CR Briggs mine for all minerals in the 3,000 acres that have at this time.

This book on the CR Briggs is one of the best story of mining that I have read, but when you come to reading to pagers 18, A Cultural Resources Inventory of the Cecil R - Jackson Exploration Project is when the page ends. What happen from 18 - 28!

Sincerely,

Tony Morin

Tony Morin

Sheryl Schindler
30 Cleveland Street
San Francisco, CA 94103

21

Noted BAW 10/28/02

RECEIVED
BUREAU OF LAND MANAGEMENT

October 24, 2002

2002 OCT 28 PM 2:41

RIDGECREST RESOURCE AREA
RIDGECREST, CA.

Randy Porter
Bureau of Land Management
300 S Richmond Road
Ridgecrest, CA 93555

RE: Briggs Mining Proposal

Dear Mr. Porter:

I am very concerned about the CR Briggs proposal to explore an area several miles north of their current Panamint mine. As a desert hiker and environmentally concerned Californian, I have seen the devastation of mining projects: the destruction of scenic landscape, abandoned equipment, trash, chemicals left on sites and environmental damage.

A full Environmental Impact Statement (EIS) should be done before any exploration or permission is granted to the mining company. Once damage is done, it can't be repaired. An example is the recently reclaimed exploration roads in the Conglomerate Mesa area of the Inyo Mountains, where there are now highly visible scars that can be seen from a distance.

Now is the time to make the proper assessments. I am extremely concerned that the exploration will result in a mine, and what would be the impact? That should be investigated now. The exploration area is 3000 acres, approximately 3 miles along the east side of the road leading to the current mine, extending 2 miles east of the road up to almost 3000 feet above the Panamint playa. The area is centered on the South Park Canyon Road leading to the top of the Panamints. If Briggs is not considering future mining then there should be no need for any exploration and the damage that includes.

As stewards for our land, I feel that it is the responsibility of BLM to be an advocate for the land, so that as a resource to all Americans, it is not damaged for short term profit.

Sincerely,

Sheryl R. Schindler

Sheryl R. Schindler

cc: Hector Villalobos, BLM

October 25, 2002

RECEIVED
BUREAU OF LAND MANAGEMENT

2002 OCT 28 PM 2:40

RIDGECREST RESOURCE AREA
RIDGECREST, CA.

22


Randy Porter
Bureau of Land Management
300 S. Richmond Road
Ridgecrest, CA 93555

Letter re Briggs Exploration EA

I am writing to express my concern about the EA and revised EA for the Briggs exploration area of 3000 acres of untouched desert. I fail to see how any impact can be "minimal." Please do a comprehensive EIS.

I 5

Thank you,



Judy Wickman
101 Dominy Road
Lone Pine, CA 93545

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages - 23

(23)

TO: Conrad Parrish	FROM: Linn Gurn
Dept./Agency	Phone # 760-384-5450
Fax # 303-679-9818	Fax # 760-384-5499

1099-101

GENERAL SERVICES ADMINISTRATION

RECEIVED
LAND MANAGEMENT

12 PM 2:25

November 7, 2002

2043 Berryman Street
Berkeley, CA 94709RIDGECREST RESOURCE AREA
RIDGECREST, CA.

Randy Porter
Bureau of Land Management
300 S Richmond Road
Ridgecrest, CA 93555

SUBJECT: Panamint Range - Briggs Mine Expansion
Revised Drilling Exploration EA for Cecil R. Jackson

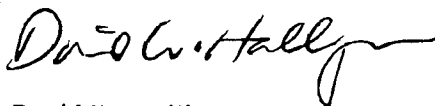
Dear Mr. Porter:

Please do not allow the expansion of activities related to the Briggs Mine. It is enough that they have already destroyed the lower portions of Manly Canyon, including Manly Falls.

Allowing expansion of the mine's activities north towards Ballarat will destroy the pristine desert landscape that now exists in this area. It will destroy the feeling of the Panamint Valley, the feeling of entering the wonderful.

The only reason for allowing exploration would be to ultimately allow a mine, in this case, a cyanide heap leach facility. However, allowing such industrial activities to occur so close to the riparian corridors of Happy, Surprise and Pleasant Canyons would degrade these areas and pose a significant hazard to wildlife. Since the idea of a mine would ever be allowed in this area is questionable, why allow the destruction that would accompany exploration?

Thank you for considering my views,



David W. Halligan



Elden E. Hughes

14045 Honeysuckle Lane - Whittier, California 90604 - (562) 941-5306

Randy Porter
Bureau of Land Management
Ridgecrest Field Office
300 S. Richmond Rd.
Ridgecrest, CA 93555

RECEIVED
BUREAU OF LAND MANAGEMENT

2002 NOV 12 PM 2:29
RIDGECREST RESOURCE AREA
RIDGECREST, CA.

11/8/02

Comment on Cecil R - Jackson Revised Plan of Exploration

Presently the BLM is seeking to approve this exploration based on an EA finding of No Significant Impact. This just doesn't fly. Clearly all of the impacts cannot be mitigated below significance.

Example: The miles of roads is unstated, but depending on width of roads, 100 acres could mean as many as 50 miles of roads. Even one road alters the drainage of the mountain. Water follows the road and the mountainside below the road is significantly dewatered. The work of Dr. William Slesinger on arid land drainage patterns fully demonstrates the significance of roads in changes to arid land vegetation.

Clearly a full EIS is required.

The EA is piecemealing the CEQA process which is a violation of CEQA. The exploration is intended to lead to a mine and cannot be separated from the mine. I call to your attention the following court decision:

NRDC v. City of L.A., 2002 Cal. App. LEXIS 4888. The case involved expansion of the Port of LA and segmentation of CEQA analysis. There are a couple of quotes in the opinion which are all too relevant today. The Court quotes the Attorney General's amicus brief:

"This case goes to the first principles of CEQA. The CEQA process is intended to be a careful examination, fully open to the public, of the environmental consequences of a given project, covering the entire project, from start to finish. This examination is intended to provide the fullest information reasonably available upon which the decisionmakers and the public they serve can rely in determining whether or not to start the project at all, not merely to decide whether to finish it. The EIR is intended to furnish both the road map and the environmental price tag for a project, so that the decision maker and the public both know before the journey begins, just where the journey will lead, and how much they - and the environment - will have to give up in order to take that journey... Here, the Port and the City have reduced CEQA to a process whose result will be largely to generate paper, to produce an EIR that describes a journey whose destination is already predetermined and contractually committed to before the public has any chance to see either the road map or the full price tag."

This is an official comment of the Sierra Club. The comments of Tom Budlong and Stan Haye are, by reference, incorporated this letter.

Sincerely,

Elden Hughes
Chair

Sierra Club Desert Committee



I⁵

RECEIVED
BUREAU OF LAND MANAGEMENT

2002 NOV 12 PM 2:29

RIDGECREST RESOURCE AREA
RIDGECREST, CA.

2139 Grant St. #1
Berkeley CA 94703

Nov. 6, 2002

(25)

Randy Porter

BLM Ridgecrest Field Office

300 S. Richmond Rd.

Ridgecrest, CA 93555

Re Cecil R. Jackson Revised Plan of Exploration

I write to urge that a full EIS must be performed that fully analyzes all harmful effects of both exploration and mining. An EA and FONSI are not permissible for a project of this scale. The EIS must also explore less damaging alternatives, such as slant drilling from fewer pads, and helicopter access.

Sincerely,
Donald Forman

26

Timbisha Shoshone Tribe

RECEIVED
BUREAU OF LAND MANAGEMENT

November 14, 2002

2002 NOV 8 AM 8:43

RIDGECREST RESOURCE AREA
RIDGECREST, CA.

COUNCIL

Larry Jackson
Chairperson

Georgia Kennedy
Vice-Chairman

Madeline Frank
Secretary/Treasurer

Shirley Summers
Council Member

Grace Goad
Council Member

STAFF

Barbara A. Durham
Administrator

Geraldine Hannah
Fiscal Administrator

Mr. Randy Porter
Bureau of Land Management
Ridgecrest Field Office
300 South Richmond Road
Ridgecrest, CA 93555-4436

RE. *Revised Environmental Assessment for the Cecil R. - Jackson Exploration Plan of Operation by the CR Briggs Corporation*

Mr. Porter:

After carefully reviewing the *Revised Environmental Assessment* for the Cecil R. - Jackson Exploration Plan of Operation by the CR Briggs Corporation, the Timbisha Shoshone Tribe recommends that an Environmental Impact Statement (EIS) be prepared for the project. The exploratory drilling apparently will cause a number of significant impacts which can't be reduced by the proposed mitigations: cumulative impacts, impacts to Native American Values, possible Visual Impacts, and controversy over the project (55 letters from individuals and organizations, most of which addressed serious concerns about the project). This particular exploratory drilling project is a major project in itself, even if a gold mine does not follow. Because this project in itself will cause significant impacts on the environment, and EIS should be the desired document for all concerned.

Although the following comments are specific to the *Revised Environmental Assessment*, the *Assessment* and the comments can be use to help prepare an EIS.

(1) BLM Proposed Mitigation Measures

The Timbisha Shoshone Tribe recommends that a BLM archaeologist **perform** (at the very least) spot check monitoring with a Timbisha Shoshone monitor during ground disturbing activities. This is especially important since the Tribe was **never informed** about the archaeological survey conducted by BLM's consultants until after the survey was completed. If cultural resources are discovered during ground disturbing activities when a BLM archaeologist and Timbisha Shoshone monitor are not present, then the Timbisha Shoshone Tribe should be immediately notified by BLM after it has received this information from CR Briggs. Representatives of the Timbisha Shoshone Tribe will assist BLM in evaluating the cultural resources.

(2) Helicopter Supported Drilling (pp. 11-12)

This new alternative needs to be more clearly described. The contrast between this alternative and the proposed action is sketchy. An EIS would clarify the differences, including costs.

(3) 3.8 Cultural Resources (p. 16)

It is assumed that the Timbisha Shoshone Tribe will receive the full report, *Historic Mines of the Southern Panamints: A Cultural Resources Inventory of the Cecil R. - Jackson Exploration Project*, by Jerry Schaefer and Collin O'Neill, ASM Affiliates, Inc., after Consultation and Heritage Data Transfer Agreements are signed by the Tribe and the BLM. Until that time, it is impossible to fully comment upon the report. However one glaring error was noticed: ASM Affiliates did not consider the project area to be part of the Timbisha Shoshone Homeland. A Timbisha Shoshone/Kawaiisu boundary just north of Ballarat (derived from Steward) should not be interpreted as if it was a present day nation-state boundary.

4.9 Native American Values (p. 24)

"...other locations for the activity" may not be an appropriate mitigation of exploratory drilling for a future gold mine.

The map depicting the Timbisha Shoshone Homeland and the Timbisha Natural and Cultural Preservation Area in relation to the Project area should still be included. The map of this area in the Timbisha Shoshone Homeland LEIS is a very small scale map which does not show any detail. The BLM Ridgecrest Office has this map on file, and a map depicting the project area and the Timbisha Natural and Cultural Preservation Area can easily be created using GIS.

The Panamint Range is sacred to the Timbisha people, and exploratory drilling and the road building which goes with it are significant impacts. The BLM's proposed mitigations for the project have not reduced this impact to a less than significant level.

4.10 Visual Resources (p. 25)

Visual simulations are still needed in order to prove the point that drill roads would not be visible in any of the views. Scarring of the land is a significant impact, and the BLM should provide more evidence to prove that these roads will not harm visual resources.

4.15 Cumulative Impacts (pp. 27-30)

The proposed project will have significant cumulative impacts which cannot be mitigated, such as impacts on Cultural Resources (pp. 28-29), Native American Values

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Conrad Parrish

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(p. 29), and provides for the *possibility* of future mine development. These are all significant cumulative impacts.

Thank you for the opportunity to comment on the Revised Environmental Assessment.

Sincerely,



Bill Helmer
Tribal Historic Preservation Officer
Timbisha Shoshone Tribe

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RIDGECREST RESOURCE AREA
RIDGECREST, CA.

November 5, 2002

Randy Porter
Hector Villalobos
BLM Ridgecrest
300 S Richmond Road
Ridgecrest, CA 93555

Re: Revised Cecil R / Jackson Exploration EA

Dear Hector and Randy,

It is time to be direct.

Both the EA and the revised EA are written to enable a FONSI conclusion by downplaying or avoiding impact considerations.

- Cumulative impact considerations are inadequately analyzed.
- Strong sentiment in the comment letters for an EIR/EIS (42% of the comment letters) is ignored.
- Visual impact considerations are downplayed.
- Many NEPA requirements are ignored.
- Helicopter alternative has been added, and 'uphill' slant drilling is mentioned. No other alternatives are mentioned.
- The tremendous long-term value of an undamaged Panamint Range escarpment is completely omitted.

A FONSI conclusion would be just plain wrong. The exploration will cause significant impact, and a FONSI would nullify BLM's responsibilities to the public and the public lands involved. An EIS/EIR or selecting the No Action alternative are the only appropriate decisions.

The revised EA is certainly an improvement in several areas, and addresses many of the concerns in the response letters. This letter is an analysis of the inadequacies of the revised EA.

To avoid repeating what I have said in previous letters to you concerning the exploration, please consider them as part of this letter

Note: For brevity, I often use CAU, Canyon Resources Corp's stock symbol, to refer to that company.

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1) Cumulative Impact

This section of this response letter details why the cumulative impact analysis in the Revised EA is insufficient. For emphasis, I will start with the conclusion (which also appears at the end of this section):

Conclusion: The BLM has a responsibility and obligation to understand and disclose the cumulative impact associated with Canyon Resources' intents in the Panamints. To do this, the BLM must investigate Canyon Resources' overall plans with respect to their Panamint claims. Unless this is done, BLM cannot claim to have analyzed and understood the associated cumulative impact. The 1-1/2 page insert from the original EIS/EIR, written perhaps before Canyon Resources intents could be known, is insufficient for this project and what potentially comes after.

a) The Revised EA Ignores Canyon Resources Corp's Intent

The revised EA addresses cumulative impact by including the cumulative impact analysis from the final EIR/EIS for the current Briggs project. This is inadequate, since it does not consider reality.

Reality is that the proposed exploration is one small part of a much larger, continuing effort by Canyon Resources to mine the Panamints. This effort:

- started with the exploration and development of the current CR Briggs mine
- is proposed to continue with the action that is currently being proposed
- is intended to continue to the north of Ballarat up to the Surprise Canyon Wilderness boundary

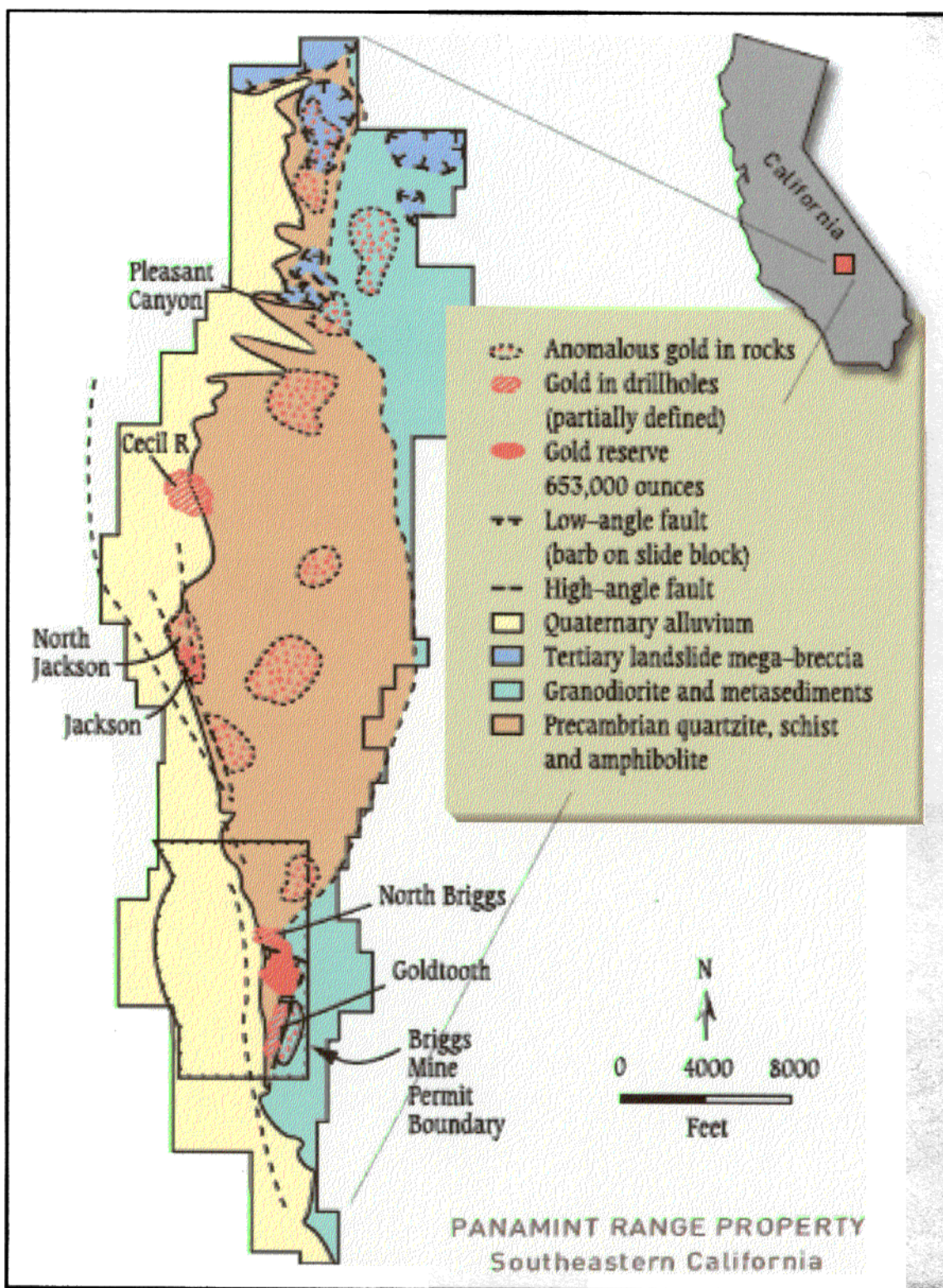
This intention is made abundantly clear in the following quote from Canyon Resource's website¹ (emphasis added):

The Company holds 14,000 acres of mining claims in the Panamint Range of southeastern California adjacent to the operating Briggs gold mine. At least six gold occurrences on this claim block have mineable gold reserves or gold mineralization encountered in drillholes. Canyon plans to systematically explore the entire claim block with the objective of the development of several mines on the Panamint Range Property.

As a minimum, Canyon intends to explore. Their goal and interest is to mine. The same website includes a map of their area of interest:

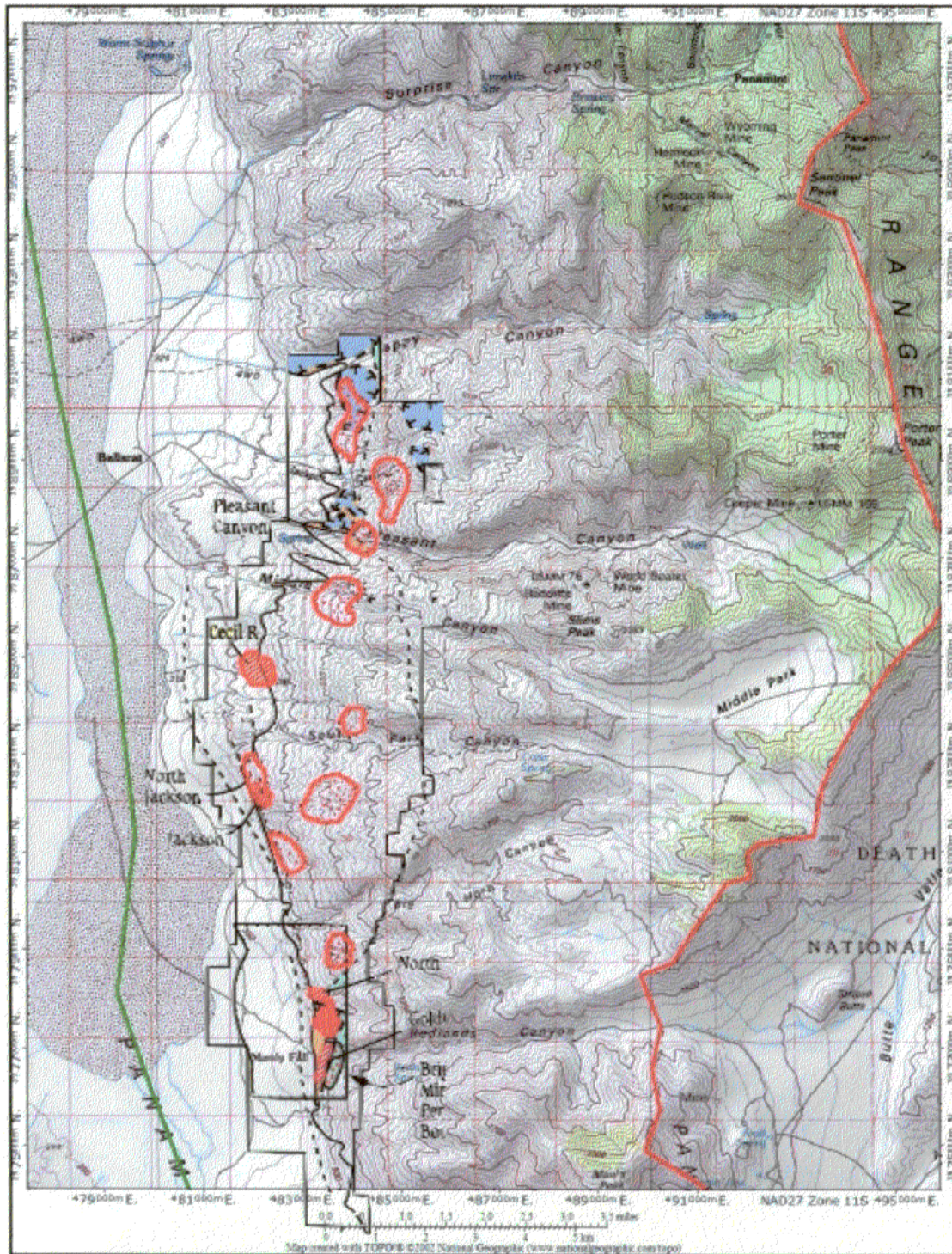
¹ <http://www.canyonresources.com/>

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For context, here is the CAU area of interest and their exploration/mining targets (taken from the website map, above) superimposed on a larger map of the area:



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The revised EA states²:

'...there are no known plans for substantive development of gold mining or exploration in the southern Panamint Range or Panamint Valley area.'

This is incorrect. The BLM does know.

- My Aug 1, 2002 letter, reproduced in the revised EA as comment letter 28, includes the above quote from the Canyon Resources website.
- Comment Response #10 indicates that the BLM knows of CAU's future Panamint plans:

A careful reading of the mining company documents discussing the future Panamint range developments reveals language that makes it clear that there is no assurance of finding a mine as a result of these or other exploration efforts.

The 'future Panamint range developments' are not detailed – they may refer only to this project, or may have wider scope. These mining company documents are not part of the EA, so it is impossible to comment on them.

Compare the above statement to the CAU website statement:

BLM Revised EA Impact Analysis	Canyon Resources Website
...there are no known plans for substantive development of gold mining...	...objective of the development of several mines...
...there are no known plans for ... exploration...	Canyon plans to systematically explore...

The contradictions glare.

We must believe Canyon Resources Corp's stated intents. They want to explore and mine the Panamints. The cumulative impact of their intent must be considered, whether formally stated to the BLM or not.

Serial proposal of individual mining projects in Canyon Resources' area of interest in the Panamints may be reasonable from a business development sense. Serial consideration of the impacts is not reasonable when considering cumulative impact. Ignoring their intent could easily result in the series of explorations and mines they talk of, but without a prior cumulative impact analysis. This would be in direct violation of the intent of requiring cumulative impact analysis.

Serial exploration and mining proposals, and hence serial impact analysis, would be a convenient way to avoid cumulative impact analysis. There is no evidence that this is happening here. But serial proposals would be to CAU's interest since a cumulative impact analysis would probably show significant impact – disclosures a mining company would like to avoid. Suspicions and accusations that CAU is using this technique would be eliminated by performing a cumulative impact analysis on CAU's stated intentions.

b) Comment response 10

This response is revealing in its attempt to avoid doing a comprehensive cumulative impact analysis. The response contains no arguments in favor. Can the issue be that one-

² Appendix 4, page 5-22 of the final EIS/EIR for the Briggs project, para 1.

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sided? The response makes me think the BLM views its responsibility as permitting the exploration, rather than to the public to analyze impact.

The first paragraph of comment response 10 gives three reasons against cumulative impact analysis :

BLM Reason	
1) There are long odds against a new mine development	Canyon Resources doesn't think so. They have good indications from past drilling, and they are willing to spend scarce resources on this exploration.
2) The known and unknowable nature of any mine proposal that might arise out of the exploration	The number of mine types is limited – open pit, and underground. Certainly BLM, with its experience with mining and exploration ³ , can make reasonable assumptions about possible mines, and do analysis based on those reasonable assumptions.
3) NEPA does not require that the BLM speculate about future events.	Canyon Resources intents are clearly stated – they are not speculative. (If speculation were not allowed, then the revised EA's imprecise plans toward road length and road and drill hole locations would not be acceptable to the BLM.)

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The second paragraph of Response 10 (the paragraph starts with '(1)'):

After some explanation, the odds against finding a mine are stated at something like 100:1 (of course, meant to be an indication of order of magnitude, not exact.)	CAU has good indications from previous drilling. They have an operating mine 'down the street', with similar geology. CAU is not financially strong – it's doubtful they can risk playing the odds – explore in 100 places to find one mine. In this instance, the odds are indeed very good that a mine will result.
... careful reading of the mining company documents ... no assurance of finding a mine...	Perhaps the BLM has unpublished mining company documents (I presume 'mining company' refers to CAU) that are not available to others. My source is CAU's website. Their language is unmistakable – they will explore. Their intent after exploration is to mine. "No assurance" is not a reason. Of course there is 'no assurance'. If assurance were a prerequisite, then the EA should not be written since there is even no assurance that CAU would proceed with the proposed exploration if permitted—it's conceivable they would pack up and go home for some reason.

³ Revised EA, p.7, Section 1.4.

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The third paragraph of Response 10 (the paragraph starts with '(2))':

"There is no way to predict even the most fundamental properties of a mine that might result from this project."

"... any attempted analysis would be meaningless."

The most fundamental properties certainly can be estimated with some confidence. BLM's stated knowledge in the area can be used to make reasonable estimates. Mining is not that mysterious -- there are not so many possibilities as to make analysis impossible or worthless. This is not rocket science. Analysis is feasible. The BLM should decide to put their mind to it.

The fourth paragraph of Response 10 (the paragraph starts with '(3))':

"... any analysis [of a possible mine]... would be purely speculative. NEPA does not require speculative events be analyzed.

Canyon Resources intents are not speculative. They are clearly stated on their website. If NEPA indeed forbids analysis of speculative events, then the speculative nature of the exploration proposal -- it does not state where the exploration roads will be, or the number of drill holes -- should be unacceptable, and these locations should be specified before an EA could be created.

I can understand that doing a comprehensive cumulative impact analysis might be difficult. But difficult is insufficient excuse. BLM is not mandated to only easy tasks. Certainly BLM has the talent to either do, or hire done, a proper analysis.

Conclusion: The BLM has a responsibility and obligation to understand and disclose the cumulative impact associated with Canyon Resources' intents in the Panamints. To do this, the BLM must investigate Canyon Resources' overall plans with respect to their Panamint claims. Unless this is done, BLM cannot claim to have analyzed and understood the associated cumulative impact. The 1-1/2 page insert from the original BIS/EIR, written perhaps before Canyon Resources intents could be known, is insufficient for this project and what potentially comes after.

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2) Visual Impact

Visual impact is entirely concerned with the roads to be bulldozed into the side of the Panamints to make and access drill pads.

The revised EA, page 25, section 4.10.2, Impacts, states:

... it is likely that the drill roads would not be visible in the distal view.

The revised EA has the following, in support of this statement:

Revised EA	Reality
They are relatively small features that would not be highly visible from large distances.	Even should the roads be considered relatively small, they are created by bulldozers and are concentrated. They will be visible, certainly from the Trona-Wildrose Road, considered to be the distant view. ⁴
It is not expected that the new roads would change the texture or add new lines to the view.	A bulldozed road, reclaimed by recontouring, cannot help but change the texture and add new lines. Look at the picture, below, of the single reclaimed Conglomerate Mesa road.
It is not expected that the new roads would dominate the view.	Given the concentration of roads and the steep, highly visible slope, the road scars will be very noticeable. The scarred area will draw your eye. Would you claim a paint blot on an otherwise undamaged photograph is insignificant because it is relatively small?

While the EA does identify some impact:

- ... change in soil color would remain.
- ... roads on the steep face would be lighter in color...
- Impacts ... would be reduced but not eliminated by reclamation.

Given BLM's stated experience in mining and mine road reclamation, the BLM should be able to provide specific evidence to support these statements. Responsibility to the public and to public lands demands a more analytical approach than an 'it is likely' statement with questionable support.

In fact, the statement is almost certainly incorrect— it is certain that the roads would be visible from a distance. The quote from the EA cannot be justified. It is just plain wrong.

- a) The exploration can create perhaps 40 miles⁵ of roads in this 3000 acre (a little less than 5 square miles) area. To visualize and quantify this, consider:
- " Panamint Springs to Stovepipe Wells is about 30 miles. Imagine more than this squeezed into the 3000 acre project area.
 - " That's a high density of roads. It's presumed the roads will not be evenly distributed over the 3000 acres. Using the 40 mile figure, and assuming half the area will be explored, the road density comes to approximately 17 miles of road per square mile. I measured a section of Santa Monica from the Thomas

⁴ Revised EA, p.17, section 4.10.
⁵ See Appendix A for the road length analysis.

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Guide – it came out to 21 miles of street per square mile. Even considering that other Los Angeles areas may be more dense, this exploration approaches city street density.

- Much of the exploration road is on steep slopes, giving the comparison with city street density and highway even more impact.
- b) The road lengths and locations, and the drill pad numbers and locations, are not defined – they are to be determined as exploration proceeds⁶. Without this knowledge there can be no confidence in an ‘it is likely’ statement that the visual impact would be insignificant.
- c) A few years ago exploration roads and drill pads were bulldozed into the Conglomerate Mesa area in the southern Inyo Mountains, approx 40 miles northwest of project area. The roads were reclaimed in approximately December of 2000 by putting the cast-aside material back onto the roadbed to return the original contour. The Conglomerate Mesa area is higher and not as dry, being closer to the Sierras – vegetation recovers faster than in the Panamints. Here is a recent (Oct 2002) picture of the reclaimed road across the slope of a butte. The reclaimed road is clearly visible from a distance.



The slopes at this location are comparable to the project area. The topo quad at the location of the road in the picture shows a slope of about 26°. I measured slopes from the topo quad in the project area of 25-37° at the steeper eastern edge, and 16-20° near the Cecil R location.

- d). The next photo is an aerial view of CAU's exploration roads at the current Briggs mine, before the mine was constructed. It's on one of the walls of the BLM Ridgecrest office. These are roads virtually identical to the proposed roads, in terrain virtually identical to the proposed exploration area. It is impossible to imagine that these roads, when reclaimed, would not be visible from a distance. They are just too much disturbance to be hidden by recontouring.

⁶ Appendix A, the road length analysis, excerpts the revised EA with respect to this imprecision.



It strains credulity to insist that “it is likely that the drill roads would not be visible in the distal view.”, considering:

- **The potentially 40 miles of roads will be concentrated – not evenly distributed over the 3000 acre tract.**
- **Many of the roads will be on extremely steep slopes, increasing their visibility.**
- **The Conglomerate Mesa example shows reclaimed roads on steep slopes are visible from a distance.**
- **The Nostradamus area in the northwest corner of the project area is steep and is expected to be heavily explored. It’s a little more than four miles from the Trona-Wildrose road, stated on page 17 of the revised EA to be the definition of ‘distal’. In clear-air desert areas four miles feels like an arm’s length.**

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3) Inadequate Information in the EA

a) The revised EA (and the original) states⁷ the BLM has used information from six previous exploration EAs in analyzing the proposed action. But, I can't find in the revised or original EAs references to the information in these previous EAs. Of course, it is impossible to comment on information not presented. Without this information, the EA is incomplete.

b) Response to Comment 10 has the following:

A careful reading of the mining company documents discussing the future Panamint range developments reveals language that makes it clear that there is no assurance of finding a mine as a result of these or other exploration efforts.

If these documents are not part of the EA, then full comment on the EA is impossible. Is the BLM basing their analysis on documents that are not available to the public?

4) Alternatives

Alternative considerations in the revised EA included a short, undetailed description of helicopter access, with reference to high cost and implication that it takes longer. I am certain that this alternative will be rejected.

Also mentioned as an alternative, and rejected, is 'uphill' slant drilling – there is no known technology for this.

What is not mentioned, and therefore not considered is:

- 'downhill' slant drilling – multiple non-vertical drill holes from a single pad.
- the possibility of using drilling equipment that does not need a flat pad.

Perhaps my lack of expertise as a mining engineer shows – are these real techniques? But since the EA does not assume its audience to be skilled in mining engineering, an assurance that ALL exploration techniques available to the mining industry (not just techniques considered practical in this circumstance) have been considered is in order. Without such a statement, readers cannot be assured that all alternatives have been considered.

⁷ Revised EA, page 7, section 1.4, 1st paragraph.

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5) The Appropriateness of an EA

Review the magnitude of this proposed action

- 30 to 50 miles of roads bulldozed into a 3000 acre tract
- road density approaching city street density
- roads and pads constructed on slopes up to approximately 35-degrees
- roads constructed nearly 3000 feet above the valley floor.

Now compare this to recent EAs from the BLM Ridgecrest office:

- Paleontology research in the El Pasos – disturbing a small amount of soil.
- Guzzler repair involving reworking 2-3 miles of old road for access in wilderness.
- Wild horse and burro collection.
- A transmission line across BLM land for wind generated electricity.
- Cleanup at Great Falls Basin.
- Fences in the Argus to keep burros from springs.
- Permitting Sea & Summit descent of Craig and Keynot canyons in the Inyos.
- Fence construction to control vehicle trespass into the Kaivah wilderness.
- Tamarisk and Halogeton control.
- Replacement of a windmill with a solar-powered pump.

The actions described in these typical EAs are trivial compared to the exploration roads of the proposed action. Comparing the magnitude of disturbance to public lands of these EAs to the exploration EA puts the exploration project in perspective. It makes it more than clear that an EA is not an appropriate document for this project.

The EA does mention that BLM Ridgecrest has written six EAs concerning mining and mining exploration. Without seeing these EAs, it's impossible to judge if they do or do not deal with projects of this magnitude, or have the same flaws as the current EA.

One can only conclude that an EA is inappropriate for this project. There is just too much impact to be described in an EA. Only a detailed, well prepared EIS can adequately and confidently describe the impact.

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6) Request for an EIS/EIR.

Twenty two letters responding to the original EA asked for an EIS/EIR to fully describe the project⁸. Considering that 3 of the 55 response letters (15, 21, 22) are not comments, then 42% of the comment letters think an EIS/EIR is in order. This concern is obviously important to the commenters.

In the revised EA, these requests are marked on the letters with a 'Comment 10'.

The response to Comment 10 deals only with cumulative impact. It is silent with respect to an EIS/EIR. The BLM has ignored this request.

I realize an EIS/EIR is a more substantial undertaking than the EA. For a project of this magnitude, the BLM's obligation for full analysis cannot be suppressed in the interest of expediency. The high degree of public concern makes full disclosure even more imperative.

⁸ Letters 12,13,16,17,18,19,20,24,25,27,31,32,34,35,38,40,45,47,48,49,52,55.

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7) NEPA

NEPA must be followed. Its provisions are the guide. The revised EA is in violation:

NEPA Section	NEPA text	Comment
Title 1, Section 101	(b) (1) ... trustee of the environment for succeeding generations	Long term effects are not considered, and the effects will be long term.
	(b) (2) ... assure... esthetically and culturally pleasing surroundings	40 miles of road on steep slopes, reclaimed and not restored, is not pleasing.
	(b) (3) attain the widest range of beneficial uses of the environment...	The beneficial use is anything but wide. It is extremely narrow.
	(b) (4) preserve important ... natural aspects of our national heritage	The road construction destroys, not preserves.
	(b) (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities	The 'wide sharing' is the problem. The benefits of the exploration are to a very small group. The costs are to a large group, especially considering that the group will grow in succeeding generations, for as long as the impacts exist.
Title 1, Section 102	(B) ... insure that presently unquantified environmental amenities and values may be given appropriate consideration...	The Panamint Range as a valuable visual and recreational resource is unrecognized. These values are not given consideration anywhere in the analysis. This is a huge, almost inexcusable omission.

The 40 CFR Part 1508 regulations are the specifics that implement NEPA:

Section	1508 text	Comment
1508.27	Definition of 'significant'	
(a) Context	...significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality.	In this pristine and lonely region 40 miles of exploration roads can only be classed as significant. In combination with the current Briggs mine, 1/3 of length of the Panamint escarpment between Goler Wash and the Surprise Canyon Wilderness boundary is affected. No one can conceive this as insignificant!
	Both short- and long-term effects are relevant.	This is a basic problem. The effects of the exploration are long term. It will be a long time -- hundreds of years, before the road scars are no longer significant.
(b) Intensity	3 Unique characteristics of the geographic area such as proximity to ... park lands...	It's right next to Death Valley National Park and two BLM Wilderness areas.
	... wild and scenic rivers...	Surprise Canyon is being considered for Wild and Scenic River status.

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Section	1508 text	Comment
	4 ... highly controversial...	Fifty one respondents answered a small call of 135. That's a big response. Most letters were critical. Factiously one could say the proposal isn't controversial, it's almost universally opposed.
	6 The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration	Without a doubt, if this exploration is permitted, future explorations will reference (tier is the word used, I believe) this EA as justification for permitting.
	8 The degree to which the action ... may cause loss or destruction of significant ... cultural, ... resources	The EA clearly declares the area as significant to the Timbisha, the historic inhabitants of the area. I see disturbing words on page 24: ...no mitigation measures ... desecrated ... animals get more attention than Shoshone ... disrespect ... emotional and psychological pain.

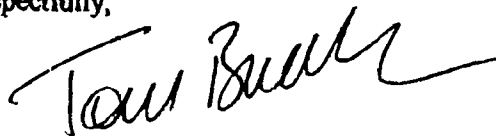
8) Night Work

I think this is an error of omission. Page 27 of the revised EA says that night work will not be allowed. This does not appear in the list of mitigation measures in the front of the revised EA.

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I appreciate the opportunity to comment on the revised EA, and the 30 day time period granted

Respectfully,



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Appendix A

Exploration Road Length
One Hundred Acre Disturbance Analysis

The Maximum Allowed Disturbed Area is 100 Acres

p.8, 2.1, 1st para "... affect up to 100 acres within a proposed area of approximately 3000 acres."

p.9, 3rd para. "Within this 3000 acre area, CR Briggs proposes to disturb up to 100 acres by exploration drilling."

Both the original and revised EAs put the maximum disturbance at 100 acres. After release of the original EA I was provided with a map of proposed roads. Measurement on this map showed some 22 miles of roads. Maps of the revised EA show only the old, existing exploration roads, and the '22-mile' map I saw was not included. Either the '22-mile' map was incorrect or plans have changed since I got it. The resultant current situation is that disturbance up to 100 acres is allowed.

How many miles of exploration road is 100 Acres?

This can be answered by considering:

- Exploration road width
- Area disturbed by drill pads

Exploration Road Width

This presumes that CR Briggs and the BLM will consider the entire vehicle path width, not just the footprint width of vehicle tires.

Comment Response #2 width is 10-12 feet in the lower flatter areas
'considerably wider' in the steep slope areas.

Revised EA p.9, 5th para. ... minimum safe width for travel (approximately 12 feet)

Road width is not defined absolutely. This analysis considers roads up to 15 feet wide. Roads on slopes disturb wider than the road width – the material cut is cast to the side, some of it being used for roadbed, some of it becoming unusable slope. The calculation assumes a disturbance width 50% wider than the road width.

Area disturbed by drill pads

A single drill pad uses approximately .038 acres:

p.8, Sec 2.1, 2nd para. A drill pad is 'about 20 feet wide by 50-60 feet long.'
Use $20 \times 1.5 = 30'$ for the width of the disturbed area.
 $30 \times 50 = 1500 \text{ sq.ft.} = .034 \text{ acre}$
 $30 \times 60 = 1800 \text{ sq.ft.} = .041 \text{ acre}$
use 0.038 acre for calculations.

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The number of drill pads is unknown:

p.10, 2 nd para.	"Actual drill road locations would be determined in the field..."
Cecil R Area	
Phase CR1: p.10, last para	"... drilling approximately 25 holes." (Fig 3 shows exactly 25 holes)
	"...number of holes in this phase is unknown and would depend on continued success."
Phase CR3: p. 11, 1st para	"Phase CR3 of the drilling program would be entirely dependent on success of phase CR2 ... extent of road construction would be dependent on the extent of infill and step out drilling."
Jackson Area	
	"... initial 12 hole program." "The number of holes could vary." Phase J1 holes are shown on Fig 4." (6 new holes and many existing holes are shown on this map.)
Phase J2: p.11, 2 nd para	"If phase J1 is successful, phase J2 would be initiated." Nothing is said about the number of holes.
Phase J3: p.11, 2 nd para	"Phase J3 would be entirely dependent on the success of phase J2..." Nothing is said about the number of holes.
Nostradamus Area	Nostradamus drilling is not described in the revised EA.
Phase 4 p.11, 3rd para	"Phase 4 of the program could include drilling in other target areas, away from the two immediate targets." Nothing is said about the number of holes.

(All page references are to the Revised EA.)

Miles of Road

Pick a number from the following table, depending on the number of drill pads and the width of the bulldozed roads you think will happen.

No. of Drill Pads	Pad acres @ .038 ac/pad	Area left for roads, acres	Miles of road, assuming:		
			10 ft wide	12 ft wide	15 ft wide
100	3.8	98.2	52.9	44.1	35.3
200	7.6	92.4	50.8	42.4	33.9
500	19.0	81.0	44.6	37.1	29.7

Note: 43,560 sq.ft./acre. 5,280 ft./mile. Disturbed width = 1.5 x road, pad width.

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November 18, 2002

Mr. Randy Porter
Bureau of Land Management
Ridgecrest Field Office
300 South Richmond Road
Ridgecrest, CA 93555
Rporter@ca.blm.gov

RE: Cecil R/Jackson Revised EA Comments --
FULL EIS REQUESTED, EA INSUFFICIENT

Dear Mr. Porter:

Thank you for the opportunity to review and comment on the revised Environmental Assessment (EA) CA-650-2002-082 for the Cecil R/Jackson proposed exploration. Thank you also for revising the original EA. Unfortunately we still find that CWC's concerns and those of many other citizens and organizations regarding significant environmental impacts have not been adequately addressed in the revised EA.

The California Wilderness Coalition represents close to 3,000 individual members and 200 conservation groups and businesses with the shared goal of preserving California's remaining wilderness quality lands, both to protect California's native ecosystems and to preserve wilderness recreation opportunities for future generations. CWC's concerns are shared by Courtney Cuff of the National Parks Conservation Association and she joins us in these comments. CWC also agrees with, and incorporates herein by reference, comments prepared by the National Park Service, and by Great Basin Mine Watch.

The proposed mineral exploration by Canyon Resources (CR) would have severe impacts on approximately 3,000 acres of BLM wilderness-quality lands in the Panamint Range, as well as significant impacts on Designated Wilderness Areas both on BLM lands and within Death Valley National Park. These effects are not analyzed in the revised EA but instead are dismissed broadly - BLM states that "There are not expected to be any cumulative impacts to wilderness under any of the alternatives" (EA, p. 29). CWC strongly disagrees. CWC also objects to the EA's failure to adequately analyze a number of non-wilderness impacts from the proposal which threaten environmental harm to the area and its hydrology and wildlife.

Impacts on Existing Wilderness Areas

Edge effect would diminish habitats for species in Wilderness. While the CDFA requires "no buffer zones" where activities heard or seen from wilderness can be deemed to impact wilderness values, it also requires BLM generally to manage wilderness to maintain wilderness values. These values explicitly include ecological values; for example, wilderness is defined as a place "where the earth and its community of life are untrammelled by man" (1964 Wilderness Act Sec. 2(c)).

The buffer zone language applies to recreational values ("seen or heard" by people), but it does not apply to activities that impact ecological values within designated Wilderness. In fact, significant impacts outside Wilderness can harm ecological resources within Wilderness and be unacceptable for that reason. (For example,

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL# of pages **2318**

Conrad Parrish	From Lin Gurn
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NSN 7540-01-317-7368	5099-101
GENERAL SERVICES ADMINISTRATION	

hydrologists found that the proposed Cadiz water pumping project could impact natural springs and seeps within designated Wilderness Areas, harming wildlife and natural hydrological processes in Wilderness. This is one reason elected officials opposed the project and the Metropolitan Water District turned it down.) This type of impact is not subject to "buffer zone" language and may preclude a proposed BLM action from going forward if it is deemed to harm wilderness values in violation of CDPA, the Wilderness Act, the CDCA Plan, and other applicable wilderness management guidance.

Based on the objections of the National Park Service and other organizations, CWC believes that the proposed action will have a significant negative impact on bighorn sheep in the Panamint Range which reside partly in designated Wilderness Areas on both BLM lands (Manly Peak and Surprise Canyon) and Death Valley National Park lands, by diminishing their habitat and introducing new stresses that will contribute to the decline of the species. The National Park Service has specifically stated this concern. The EA fails to analyze this effect on a major Wilderness resource - wildlife - and is inadequate for this reason.

Fragmentation of BLM lands would degrade Wilderness ecosystems. By introducing more development into the Panamint Range which is incompatible with conservation of habitat values and natural ecosystems, BLM would be fragmenting a contiguous wild area that is currently well connected. At present, wildlife and plant genetic material may move freely between the project area and Wilderness Areas, biologically linking BLM and Park Wilderness to one another, to surrounding habitat, and to the Panamint Valley.

However, the proposed action would cause a major disturbance of wildlife habitat across a large vertical gradient, potentially thousands of feet up the mountainside, cutting off natural lines of migration for wildlife and plant genetic material, fragmenting plant populations, and likely introducing invasive plants that will further degrade the project area's ecological integrity. The reasonably foreseeable development of a new mine would have an even greater impact. These impacts, while centered on the project area, could have profound effects on the ecological integrity of Wilderness - because ecosystems function fully only when their connectivity is preserved. Despite the obvious potential for ecosystem fragmentation affecting Wilderness values, the EA provides no mention or assessment of this potential significant impact. For this reason the EA is insufficient.

Impacts on Potential Wilderness Areas

Proposed action would disqualify potential wilderness for 2004 Wilderness Suitability Assessment and Congressional consideration. Much of the proposed project area is potential wilderness - roadless, wild and surrounded by designated Wilderness Areas. Much of the area was identified by BLM as wilderness-quality land prior to the 1994 California Desert Protection Act. The proposed action would permanently scar and disqualify this area from potential wilderness designation, by constructing an estimated 20-50 miles of new roads spread over an area of 3,000 acres.

As noted in the EA at p. 6, Congress in the 1994 CDPA released the project area for mineral exploration while also recognizing that if the area is not developed, future Congresses may want to reconsider it for wilderness designation. The EA notes correctly that the CDPA Sec. 106 requires BLM to perform a new wilderness suitability study

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and report its findings to Congress -- in 2004. From Senator Feinstein's explanation (Congressional Record, May 5 1994), it is clear that the intent of Congress was that if this area had not proven economically useful to CR after 10 years of opportunity, BLM should reassess and Congress reconsider whether to permanently protect the area as wilderness. BLM is required to deliver this assessment to Congress no later than October 8, 2004 - less than two years from now.

Despite this approaching deadline for reconsidering the area's wilderness values, the EA contains no analysis of the project area's suitability for wilderness, nor of the wilderness values that will be foregone if the proposed action takes place. We believe the permanent disqualification of 3,000 acres of potential wilderness - which Congress has specifically instructed be reassessed for protection - is a significant environmental impact which the EA fails to analyze or even mention. For this reason, the EA is insufficient.

Given the current price of gold, and the costs of fully reclaiming open pit mines - a common-sense requirement which the state Mining Board is considering new regulations to enforce -- it seems highly unlikely that gold production in the project area will ultimately prove economical. CWC recently learned that CR has been allowing many of its mining claims in the northern portion of the "claim block" area to lapse, rather than pay the nominal fee to maintain them as active claims. This too strongly suggests that much of the area is uneconomical to mine even under existing regulations, and should indeed be reconsidered for Wilderness designation.

In light of all these new developments, it seems doubly important that BLM should at least assess the environmental effects on potential wilderness lands, before allowing damaging exploration to disqualify such lands in an area which may never be economical to mine, and which Congress has specifically earmarked to reconsider for permanent Wilderness protection. The EA is insufficient for this reason.

In addition, we would urge BLM to assess whether gold mining is economically feasible at all within the project area, before allowing any additional activities to proceed.

Impacts on Death Valley National Park Resources

As noted by the National Park Service in their August 9 2002 letter, the proposed action would have significant negative impacts on Death Valley National Park resources. We agree with these concerns and we find that the EA fails to address them sufficiently. We restate them here as additional reasons that the EA is insufficient.

1) Cumulative Impacts - Park managers believe the original Briggs Mine EIS and subsequent expansion EAs are insufficient, and should not be incorporated by reference into the current EA for this reason. In the revised EA, BLM is piecemealing the environmental review for CR's intended mine expansion by failing to address the potential impacts of mining itself. It simply is not believable that "development of a mine is not considered a reasonably foreseeable impact of exploration." Why would a company spend money to explore if they did not seek to mine? Previous exploration nearby led to the development of the Briggs Mine; surely BLM can "reasonably foresee" that new exploration could lead to a new mine in the project area. The cumulative impacts of mining in the project area must be assessed; for this reason the EA is insufficient. A full EIS should

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be prepared to analyze the effects of new mine development in this area before damaging exploration activities are approved.

2) Bighorn Sheep -- While BLM claims on p. 16 that a bighorn sheep study showed no significant impact from the Briggs Mine, we note that the National Park Service, which co-sponsored that very study, explicitly disagrees (letter of August 9 2002); in fact Park managers believe the Briggs Mine has significant negative impacts on the

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bighorn, and that the proposed action also would significantly degrade bighorn habitat and contribute to the bighorns' decline. Despite this sharp disagreement over the results of the study and the proposed action's threat to bighorn, BLM has not acknowledged any controversy but has simply reiterated its interpretation that the Briggs Mine had no significant impact on bighorn sheep. For this reason the EA is insufficient.

3) Visual Intrusion - The proposed action would create a permanent scar thousands of feet in elevational extent, a permanent visual intrusion for visitors entering the National Park from the west and for drivers along the Trona Wildrose (Panamint Valley) road. The west slope of the Panamints is the "back side" of the National Park; most of the range is within the Park, and many visitors consider Panamint views to be indistinguishable from Park views. Certainly a new permanent scar thousands of feet high is a significant visual impact to recreational users of both BLM lands and Park lands.

4) Exotic Plants - Roadbuilding and mineral exploration equipment will disturb ground and will likely import invasive exotic plant species into the project area that will colonize disturbed ground. Yet the EA still provides no assessment of this impact, nor does the proposed action include the simple pressure washing of vehicles requested by the Park Service to protect native vegetation. In addition, the reclamation activities proposed are limited to broadcasting seed, rather than actually replanting native vegetation - seed broadcasting is notoriously ineffective in hot deserts, a waste of money that would feed rodents but fail to reestablish native vegetation. Further, the EA fails to provide for a 10 year monitoring of nonnative vegetation as requested by the Park Service.

Impacts on Panamint Valley Visual Resources

One of the Panamint Valley's most precious resource values is its spectacular views, of a vast undeveloped valley flanked by dramatic mountains. Though difficult to quantify, these views rank among the highest values of the area to many CWC members and other recreationists, who make long journeys from the cities in order to enjoy in the Panamint Valley the profound sense of isolation, solitude, and natural beauty unspoiled by development. Views like these are increasingly rare in California and on BLM lands in general, and should never be permanently impaired without an extensive analysis of the visual costs and benefits of various alternatives. This valley is one of the BLM's most spectacular unspoiled viewsheds in California.

The proposed action, as noted above, would create a permanent scar of roadcuts extending thousands of feet up the mountainside, visible from many viewpoints in the valley. This permanent visual intrusion would not be erased by the reclamation proposed in the EA; the steep slopes will require wider-than-usual roadbeds and more-expensive-than-usual reclamation which is not provided for in the EA. Yet the EA fails to assess the permanent visual impact on visitors to BLM lands in the Panamint Valley - for this reason the EA is insufficient.

Additional Significant Environmental Impacts

CWC also concurs with comments prepared by Great Basin Mine Watch and restates them briefly here as additional reasons the EA is insufficient:

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- o A full EIS is required to address the wide range of impacts associated with mining.
- o The proposed project violates environmental justice, destroying a landscape sacred to the Timbisha Shoshone, who oppose the project.
- o The EA's description of phases does not adequately describe the project - a FONSI would be illegal because this EA does not even describe or analyze the later phases of the proposed action.
- o Phase 3 drilling represents drilling for the design of a mine and should be preceded by a full EIS.
- o Figures 3 and 4 are misleading to the public because they only show Phase 1 of exploration - later phases would cause additional impacts not shown.
- o The reclamation plan is inadequate - more analysis is needed of heavy roadcuts, disposal of cut material, erosion and sedimentation into drainages, soil damage caused by large-tired off-road vehicles, and an 18-month lag time between cessation of exploration activity and commencement of reclamation activity.
- o The reclamation bond is inadequately described and insufficient - roadcuts in steep areas will be inordinately expensive to reclaim, and the EA also lacks cost assessments for reclaiming existing drill roads, sealing drill holes with bentonite, or monitoring the reclamation for 10 years.
- o The proposed mitigation is insufficient to protect groundwater resources - the EA does not assess needs or methods for preventing cross-contamination of aquifer layers or protecting springs in the area (no spring survey is included), nor does it assess the depth of drill holes which may encounter bedrock groundwater.
- o The project would violate air quality standards - this area is already in non-attainment under the California Ambient Air Quality Standards.
- o The EA inadequately analyzes visual impacts - massive roadcut scars in the steep Jackson area will remain indefinitely without substantial reclamation, and the EA includes no photographic views of the project site from various viewpoints such as the Trona or Ballarat roads.
- o BLM must require Canyon Resources to hire an archaeologist and a wildlife biologist to survey the area prior to disturbance.

We urge BLM to withdraw this revised EA and prepare a full EIS analyzing all significant impacts of specific road locations, drill locations, and potential mine locations and mining impacts, based on the known geology of the project area and the known impacts of the similar, adjacent Briggs Mine - including all significant impacts on designated Wilderness, potential wilderness, and National Park resources.

If BLM persists in pursuing this revised EA, we urge BLM to adopt the No Action alternative in order to protect the Panamint Valley's world-class scenic and wilderness values from degradation. Before such an irrevocable decision is made, the public deserves a much more complete study of the viability and true environmental costs of extensive roadcutting and new open-pit cyanide leach heap mining on these remarkable BLM lands.

Thank you again for this opportunity to comment; please keep us apprised of all developments in this matter.

Sincerely,

Keith Hammond

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Communications Director
California Wilderness Coalition

Joined by:

Courtney Cuff
Regional Director
National Parks Conservation Association

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THOMAS S. BUDLONG
3216 MANDEVILLE CANYON ROAD
LOS ANGELES, CA 90049-1016

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Randy Porter
Hector Villalobos
BLM Ridgecrest
300 S Richmond Road
Ridgecrest, CA 93555

November 13, 2002

Re: Revised Cecil R / Jackson Exploration EA

RECEIVED
BUREAU OF LAND MANAGEMENT
2002 NOV 18 PM 2:14
RIDGECREST RESOURCE AREA
RIDGECREST, CA

Dear Hector and Randy,

Comment Deadline

Please accept this as my second letter commenting on the revised Briggs EA (officially the EA for the Cecil R - Jackson Exploration Plan of Operation) issued Oct. 4, 2002. My first comment letter was dated November 5, 2002.

Although the BLM set a comment deadline of November 8, BLM has also stated that comments would be accepted up to November 18, in consideration of a 30 day comment period following the October 18 notice that was mailed to those on your list who did not respond to the original EA. This letter is intended to meet the November 18 deadline. I am sending it by email and regular mail.

Air Pollution

The revised EA does not sufficiently describe the PM10 emissions that will result from the alternatives considered. Page 20, Para 4.1.2, states the proposed action will cause PM10 emission. But the expected amount of PM10 emissions for the proposed action or the helicopter alternative are not described. Nor does the revised EA state that the PM10 emissions will be below California requirements.

The 3809 regulations prohibit the BLM approval of a project that exceeds California PM10 standards. The problem is that the EA gives no indication that the PM10 emissions will or will not be exceeded. The corollary to this is that the EA doesn't quantify expected PM10 emissions. This is one more reason for doing an EIR/EIS. It is presumed that an analysis of PM10 emissions would be part of an EIR/EIS, and could be used in making a decision.

This is not a trivial issue. The revised EA, Paragraph 3.1 on page 13 talks of the generally good air quality in the Panamint Valley, except for PM10 California standards. We must not allow the proposed exploration to aggravate this situation. And, the situation is real - below are photos of air pollution from the current Briggs operation. These are presented not as an example of what will happen, since that has not been analyzed, but as an example of what can happen from mining operations. These photos were not taken during windstorms - the EA states (p.13) that windstorms cause excessive PM10 pollution.

PM10 emission should be analyzed for:

- the exploration activity
- the period between end of exploration and start of reclamation (as much as 18 months)
- the reclamation activity.

THOMAS S. BUDLONG
3216 MANDEVILLE CANYON ROAD
LOS ANGELES, CA 90049-1016

Air Pollution Photos

These were taken April 1, 2002. They show the kind of air pollution that can happen with mining operations.



THOMAS S. BUDLONG
3216 MANDEVILLE CANYON ROAD
LOS ANGELES, CA 90049-1016

As usual, I appreciate the opportunity to comment.

Respectfully,



Tom Budlong
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Los Angeles, CA, 90049
310-476-1731
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November 12, 2002

Mr. Randy Porter
Bureau of Land Management
300. S. Richmond Rd.
Ridgecrest, CA 93555

Re: Proposed Briggs Mine exploration/expansion

Dear Mr. Porter:

It has come to my understanding that the Briggs Mine wants to explore and possibly expand its mining operations in the Panamints. I am deeply concerned that this matter may not have been examined in depth as it should be.

Exploration of the kind proposed can be very destructive to the otherwise pristine areas of the Panamints. What this area does NOT NEED is another cyanide heap-leach mine, all for a few potential ounces of gold.

I hear that the present EA fails to analyze the potential for environmental harm to this area.

Please use your office to protect this area from further degradation.

Sincerely,



H. N. Swanson

Box 975

Zephyr Cove, NV 89448-0975

(775) 588-5874

cc: Hector Villalobos

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2002 NOV 18 PM 2:12
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31
November 14, 2002

2231 Kelton Avenue

Los Angeles, CA 90064

Mr. Randy Porter

Bureau of Land Management

300 S. Richmond Road

Ridgecrest, CA 93555

Re: Revised Cecil R/Jackson Exploration EA

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BUREAU OF LAND MANAGEMENT
2002 NOV 18 PM 2 07
RIDGECREST RESOURCE AREA
RIDGECREST, CA

Dear Mr. Porter:

I am writing a second comment on the revised Environmental Assessment which has been published for the Cecil R. Jackson Exploration in the Panamint Valley several miles north of the present Briggs mine. A first comment letter was dated October 24, 2002. I am submitting this letter by both post and by e-mail for your consideration.

I have recently received a copy of a thesis prepared by Michael William Oehler for partial fulfillment of the requirements for degree of Master of Science at the University of Alaska, Fairbanks. The first half of this thesis deals specifically with the impact of the present Briggs mine upon bighorn sheep resident nearby. I imagine that you have this study available and that it was this study which you referenced in paragraph 3.7.1 on page 16 of the revised EA. There it is asserted that "The study (not released) showed no significant impact from the mining operation." I believe that this conclusion is not supported by the thesis and wish to indicate a different interpretation.

The abstract (page 13 of the thesis) states that "Size of home ranges, quality of forage, composition of diet, relative abundance of carnivores, and proportions of young to adult female did not differ between mined and non mined areas." In these matters it appears to be true that the effect of mining was negligible. There were, however, significant differences in the foraging behavior of female sheep in the mined and unmined areas, and the quality of the diet, as determined by fecal analysis, also showed statistically significant differences. The results concerning foraging behavior on page 36 indicate that sheep in the mined area spend a significantly smaller proportion of their time in foraging as compared to sheep in the unmined area. Further, the effect was most noticeable in days closely following blasting, and the effect was stronger in the summer when blasting was more frequent than in other seasons when blasting occurred less frequently. In the section dealing with diet quality on page 38 it is stated that significant differences in fecal crude protein (a measure of quality of the diet) occurred between mined and unmined areas, and that this measure indicated a higher quality diet for sheep in nonmined areas.

The interpretation which the thesis offers for the differences stated here appears in the discussion section. On page 42 it is hypothesized that "females from the mined area may have been reluctant to forage on low-elevation slopes during spring because of the

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proximity of those sites to human activities associated with Briggs Mine." On page 45 it is suggested that "Patterns of decreased feeding by sheep in the mined area may have been the result of those females spending more time vigilant, and concomitantly less time feeding. That conclusion would be consistent with sheep in the mined area having a lower quality diet during summer than sheep from the nonmined area as a consequence of decreased foraging efficiency." Finally, the section titled "Management Implications" suggests that reducing mining activities during that [summer] period may be beneficial to sheep occupying areas near the mine.

While the results quoted above and the conclusion may be enhanced by the proximity of Redland Spring to the mining operations, the author has clearly shown that mining activities may have a significant effect upon the sheep. The final sentence in the section on results (page 46) reads "If the outcomes we observed persist for sheep in the mined area, it is possible that reduced nutrient intake could result in changes in the demographics of that subpopulation." It is not correct to claim mining activities are unlikely to have an impact upon the bighorn sheep population.

The clear intent of the proposed exploration is to locate suitable locations for mining. The cumulative impact of the exploration must acknowledge this possible outcome, and the effect of mining activity upon sheep population can not be discounted summarily. Even the building of roads for the purpose of exploration may have significant effects. The author of the thesis cites other studies (on page 44) indicating that "mountain sheep in the Grand Canyon, Arizona, foraged more efficiently as distance from helicopter disturbance increased." And another study is cited indicating that "mountain sheep in Alberta, Canada, exposed to low-flying aircraft exhibited a 3.5 fold increase in heart rate over those exposed to high flying aircraft."

It can not be automatically assumed that the Cecil R. Jackson Exploration will have negligible impact on the sheep. In fact the study quoted suggests quite another possibility, and a satisfactory Environmental Assessment must address this concern.

I appreciate the opportunity to comment upon the environmental assessment.

Sincerely,

Craig Deutsche

Craig Deutsche

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"Daniel R. Patterson"
<dpatterson@biologic
aldiversity.org>

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To: Hector_Villalobos@ca.blm.gov, rporter@ca.blm.gov
cc:
Subject: Comments

CENTER FOR BIOLOGICAL DIVERSITY

Hector Villalobos, BLM-Ridgecrest F.O. Manager

On behalf of our over 7,500 member in California and the nation, the Center opposes the proposed Cecil R - Jackson mineral exploration project in the Panamint Mountains.

We incorporate by reference comments BLM may receive from Great Basin Mine Watch and/or the Western Mining Action Project.

The revised EA avoids defining the exploration road locations – it only tells the general area – about six square miles going up to 40-degree slopes and as much as 3,000 feet above the valley floor. The stated limits in the EA could allow bulldozing of as much as 50 miles of roads on those slopes, destroying habitat and making an eyesore of the first impression for visitors entering Death Valley country on the Panamint route. We furthermore strongly oppose any consideration of not requiring complete restoration of roads that would be created by this exploration.

We find the EA inadequate, in part because:

- The locations of roads and drill holes must be defined in order to understand the impact.
- Briggs wants to explore and mine the Panamints to north of Ballarat. This current proposal for a 6 square mile exploration is just a small part of their plans. The impact of all of Briggs announced intentions must be analyzed..
- That this exploration will likely turn into another mine can't be ignored.
- There are other less destructive exploration methods – helicopter access, slant drilling from fewer pads – that must be analyzed in detail for feasibility. Failure to present these options violates NEPA requirements to present a "reasonable range of alternatives."
- Past requirements to study mining effects on bighorn sheep of the Panamints have not been fulfilled. BLM should require completion and analysis of studies prior to any decision on the exploration plan.

Please keep us fully informed as this NEPA process continues.

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Daniel R. Patterson
Desert Ecologist
Center for Biological Diversity

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The Center for Biological Diversity protects endangered species and wild places of North America and the Pacific through science, policy, education, citizen activism and environmental law. Offices: Tucson and Phoenix, Arizona; San Diego, Idyllwild and Berkeley, California; Bozeman, Montana; Silver City, New Mexico; Buxton, North Carolina; and Sitka, Alaska.